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STIRLINGSHIRE POLITICS, 1707 - 1832

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I declare that this thesis has been composed by myself, and that it is based on my own work.

SUMMARY

This study is concerned with the political history of the county of Stirling and the Stirling District of Burghs in the period between the Union of the Parliaments of Scotland and England and the Reform Bill. The first nine chapters are devoted to the political history of the county. Stirlingshire, unlike some of the other Scottish counties, escaped the domination of a single political interest, and even the Court managers had little success there. The greatest interest in the county was that of the Duke of Montrose, who appeared to have secured an impregnable position in county politics after his chief rivals, the Earls of Mar and Linlithgow, were forfeited for their part in the Rising of 1715. Montrose was the greatest landowner in the county and in addition he could usually rely on the friendship of the gentlemen of the Graham name who acknowledged him as their chief. Nevertheless, as soon as the Duke attempted to strengthen his position by granting fictitious votes to a number of Graham gentlemen he lost support, and in 1727 the independent freeholders joined with the friends of the Duke of Argyle to defeat Montrose's candidate. Had the Duke of Montrose been prepared to resort to the extensive manufacture of nominal votes, his estates and superiorities were so extensive that it is just conceivable that he could have taken the county out of the hands of the real freeholders, but successive Dukes scorned to advance their power by such means and no other interest had the capacity to do so. Both Sir James Campbell of Ardkinglas and Sir Thomas Dundas, who represented the county in the years 1747-90, made considerable use of nominal votes after a series of disgraceful decisions by the Court of Session had sanctioned the development of votes based on liferents of

superiority, but neither of them could make enough votes to affect the freedom of the county. Nominal voters never became more than a supplement to existing interests in Stirlingshire, and their undue multiplication could cost a politician the support of real freeholders.

When the problem of nominal voters first became serious in the 1740's and 50's, the Stirlingshire freeholders showed their concern for the independence of the county by making strenuous efforts to clear unqualified voters from the Roll, and their dislike of undue influence is also reflected in their consistent hostility to the Montrose family, even when they did not make votes. A striking example of the freeholders resentment occurred in 1821, when feelings ran so high that the Tory party split. One wing joined with the Whigs to elect Henry Home Drummond, a Tory gentleman, in opposition to the official Tory who had been set up by the Duke of Montrose.

The politics of the burghs are not considered in such detail, for a survey of similar length would tend to be repetitive. In this section two contrasting elections are considered; that of 1747, which is a fairly representative eighteenth century election, with bribery playing an important part in determining the result, and the election of 1734, which was more unusual. In 1734, the opposition party started with an issue, opposition to Walpole's Excise, and they quickly reinforced this with another issue of paramount importance to the people of the towns, namely the fate of Ebenezer Erskine, the popular minister of Stirling, and his colleagues, who were ultimately to secede from the Church of Scotland. Public opinion was so aroused

that the usual Court methods failed to secure a majority, and the Government managers were obliged to arrange a false return.

The final section is devoted to questions of patronage and the formation and management of interests. Stirlingshire was represented by Opposition politicians for many years even when Henry Dundas was at the height of his power, and their management is explained in terms of Indian and naval patronage which partly escaped from Dundas's control. The freeholders of Stirlingshire showed a marked lack of subservience even when they were attached to an interest. They were very conscious of their position as barons and their continuing support could never be taken for granted by the politicians.

Chapter One

County Politics from the Union to the Election of 1715.

(1) The Election of 1708

The county of Stirling was represented by three Commissioners in the last Scottish Parliament, John Graham of Killearn, James Graham of Buchlyvie, and Robert Rollo of Powhouse,(1) but these men declined to offer their services at the first election to the Westminster Parliament in 1708. Like the other larger Scottish counties, Stirlingshire found its parliamentary representation reduced to a single member as a consequence of the Union, and this change is in itself sufficient explanation of the bitter struggles for influence and the frequent contested elections which punctuate the political history of the county, since it severely reduced the possibilities for compromise in political questions.

Although Stirlingshire's late representatives proved reluctant to try their fortunes in the South, there was no shortage of candidates for election to the first British Parliament in 1708. The first to take the field was Sir Hugh Paterson of Bannockburn, whose estate was strategically placed in the vicinity of the county town, and who also enjoyed the advantage of the support of the Sheriff of the county, the Earl of Linlithgow.(2) But if Sir Hugh was the first

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1. Named in 'Acts of the Parliament of Scotland', vol. XI, p. 30

2. John Napier of Colcreuch to the Duke of Montrose, 21 May 1708

candidate to commence canvassing, he, like his rivals, was slow to start by the standard of subsequent elections, for on this occasion no candidate appears to have started before the issue of the writ for the election. The man whose political interest was potentially the greatest in the county, the Duke of Montrose,(1) was particularly slow to take action, but he eventually decided to give his support to Sir John Erskine of Alva, whose chief merit in the Duke's eyes was his dislike of the Earl of Mar. Although Lord Mar did not possess a great estate in Stirlingshire, he also took a part in the election and set up a third candidate, Henry Cunningham of Boquhan.

The situation in Stirlingshire was such that if the Duke of Montrose and his cousin the Earl of Linlithgow combined their interests they were in a position to dominate the election, but fortunately for the freedom of the county they did not agree politically. The Duke was one of those Scottish peers who aspired to play an important part in British politics and was now resident in England and rather out of touch with developments in Stirlingshire, but he was in the habit of corresponding with Lord Linlithgow and undoubtedly assumed that his cousin would accept his leadership. Accordingly, about the beginning of January 1708, he wrote to Linlithgow to ask if any candidate had yet started for the shire. The Earl replied that 'as yet I hear no surmise in this place of an election, if there be I shall endeavour to putt it off for some time, nor do I hear of any stirr in that matter in any of the neighbouring Shires'.(2)

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1. James Graham, fourth Marquis and first Duke of Montrose.

2. Earl of Linlithgow to the Duke of Montrose, 14 January 1708
GD220/5/15

Although this appears to be an accurate statement of the political situation as it then existed, the Earl's reply explains the Duke of Montrose's poor showing in this election, for he seems to have taken this letter as implying that Lord Linlithgow would let him know what developed in relation to the election. Instead, the Earl decided to support a candidate of his own without consulting his cousin. The explanation appears to be fairly straight forward; Lord Linlithgow, through his office of Sheriff and his connection in the county, occupied a position of some influence, and like so many other Scottish peers he was in financial difficulties, having a free rent of less than £7000 Scots.(1) Accordingly, he wished to translate the local power which he possessed into an office which would supplement his income and, rightly, saw no future in simply increasing his cousin's influence when that cousin was not in a position to meet his needs. In the confused politics of the post-Union period the Duke of Hamilton seemed to be a better choice, and, moreover, the man Lord Linlithgow decided to support, Sir Hugh Paterson, had a personal claim to his friendship, for, as Linlithgow told his cousin, 'I think the matter stands thus, whether I should befriend Bannockburn who is my Commerad and whose father did a singular piece of service to me and my family, or Sir John Arskine who to me is a stranger'.(2)

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1. 'State of the Earl of Linlithgow's affairs', 29 October 1713:
GD220/5/28
2. Earl of Linlithgow to the Duke of Montrose, no date 1708:
GD220/5/15

By the end of May the Earl of Mar was able to tell an English friend that 'the Duke of Hamilton has thought fit to join himself intirely with those Lords we call the squadron, in opposition to us who are in the Queen's service',(1) and Hamilton indeed did so in the Peers Election, but the alliance did not include Stirlingshire. Sir Hugh Paterson, who had Hamilton's support, continued to oppose the Squadrone candidate, Sir John Erskine, as well as the Earl of Mar's friend, Henry Cunningham of Boquhan.

The first post-Union election in Stirlingshire was not simply a power struggle between the great families of the county, the candidates were divided by differences of political principle. Discussing the differences between the two opponents of his interest, Sir Hugh Paterson and Henry Cunningham, the Duke of Montrose remarked, 'Sir Hugh and he (Cunningham) are of very different principles;(2) the first high Tory the other quite on the different lay'. But such differences can easily be over-estimated, for there is some uncertainty how much, if any, influence such considerations had with the majority of the electors. There must have been many freeholders who were indifferent, like the pliable soul who informed the Duke of Montrose that:

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1. Earl of Mar to the Duke of Marlborough, 31 May 1708
Coxe Papers B.M. Add.MSS 9102

2. Duke of Montrose to Sunderland, 2 July 1708: Add.MSS 9102

'ye may assure your selfe I would have most cheerfullie complied wt your Graces desire, but I must acknowledge that I'm not onlie ingaged for Burhan in the first place but alsoe in case of his disapoyntment I'm preingaged for Bannockburn by my Lord Linlithgows intercession, who was here yesternight. However, if possible I can in honour Lay by I shall neither assist the one nor wrong the other.....'.(1)

Two of the candidates, Sir Hugh Paterson of Bannockburn and Sir John Erskine of Alva, were substantial proprietors with good freehold estates in the county, but the third candidate, Henry Cunningham of Boquhan, held most of his lands as a vassal of the Duke of Argyle, and had a new vote manufactured for the occasion with the assistance of Viscount Kilsyth. Cunningham's qualification, in short, was of doubtful legality, and it was not yet known whether his signature would be passed by the Court of Exchequer before the date of the election, which was a shaky foundation on which to found a parliamentary interest and solicit the votes of real freeholders. (1)

As the campaign progressed the Duke of Montrose made every effort to support the interest of Sir John Erskine, enlisting the help of the Earl of Hopetoun (2) and writing to those Stirlingshire barons with whom he was acquainted, but he was unable to recover the ground lost by the delay in commencing the canvass. It was not yet known who would in fact turn up to vote on the day of election, for there were many gentlemen in the situation of John Murray of Polmaise, who assured Montrose that 'ther is non more willing to serve your Grace then I am and shall be, but beggs you would excuse me from Votting at the present Elections, the oaths being what I cannot complay with at this

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1. John Napier to the Duke of Montrose, 21 May 1708: GD220/5/

2. Earl of Hopetoun to the Duke of Montrose, 22 May 1708:GD220/5/14

'time, otherways your Grace should command me'.(1)

The election was ordered to be held at Stirling on the 2nd June, and by the end of May it was apparent that if all three candidates appeared at the meeting Sir Hugh Paterson would carry the day by a substantial majority. Such a result would have been extremely humiliating for the Duke of Montrose. Accordingly, the Duke decided to make the best of the case, and urged his ally Sir John Erskine to try to effect a union of forces with the friends of Henry Cunningham of Boquhan in order to keep out the Tory candidate. Sir John adopted this plan and, just before the election meeting, the two groups met and agreed to join forces against Sir Hugh Paterson, as Sir John relates:

'According to your Graces desire Buquhans people & We mett, and tho I cannot positively say ther was majority on his side, yett he chanced to have more fools on his side who would have made much difficulty to yeild & some would not at all. So I even pretended the majority was with him & yeilded most frankly which if we had not done we had been severly defeat.....'.(1)

Thirty-one freeholders appeared at the election meeting, and had Erskine and Cunningham not joined forces the Laird of Bannockburn's party would have carried the election without difficulty, for Sir Hugh not only had the support of the Sheriff but also the assistance of the only former representatives of the county who appeared at the meeting, James Graham of Buchlyvie and Robert Rollo of Powhouse. Buchlyvie took the chair at the opening of the meeting, but was quickly voted out of it by seventeen votes to thirteen. The allies then pressed ahead and,

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1. Sir John Erskine to the Duke of Montrose, 2 June 1708: GD220/5/4

as Sir John puts it: 'what with fair play, joined with a little jockeying Boughan caried it 18 to 13. The whole 18 were good without doubt save 1, and three or four of theirs were not only objected agt but really should be casten by law & justice'.(1) An objection, of course, was made to the vote of Henry Cunningham, for the disposition on which his qualification was founded was only dated on the 14th May 1708, and the Charter on the 26th May, only a week before the date of the election. But the law was at this time uncertain on the point of the time of possession, for the requirement that a voter must be a year infeft before he could be enrolled was only enforced by the Act 12 Anne c.6. in the year 1714, and perhaps more importantly his friends were in the majority. There were other anomalies, and in particular there seems to have been no official roll of the freeholders of Stirlingshire before this period, for when John Forrester of Carse-lonie, one of Sir Hugh's friends, tried to claim enrolment as the apparent heir of his father who had been a freeholder, he could not substantiate his right, and indignantly insisted that the want of a roll was not his fault.(2)

There appears to have been a certain casualness in the manner of establishing a right to a vote before 1708, and even at this election the only documents produced by even the best prepared claimants were the charter and sasine, there seems to have been no attempt to establish the valuation of the lands for which a vote was claimed. In spite of this remark, however, there appears to be

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1. Sir John Erskine to the Duke of Montrose, 2 June 1708: GD220/5/4

2. Freeholders Minutes SC67/59/1/3

no reason to doubt that most of the freeholders present were genuine barons really in possession of freehold estates. The absence of fictitious voters in Stirlingshire is in striking contrast to other contested elections in 1708. In the county of Dumfries, for example, the Duke of Queensberry made fourteen new barons in order to prevent the election of the Marquis of Annandale's son, Lord Johnstone,(1) but his action appears to have damaged his own cause by alienating the real freeholders, for Lord Johnstone carried the election. 'L.Q.'s new barrons by a vote now excluded from being inrolled, and then ordered to leave the room, which they refusing to do the swords were out', reported a correspondent of the Duke of Montrose.(2) Something similar happened in the Lanarkshire election, where Lord Archibald Hamilton, the brother of the Duke of Hamilton, was opposed by Lord Carmichael. According to the Duke of Hamilton:

'there are such violations and incroachments on our Constitution as never were attempted here before to make votes, and they have been endeavoring the bringing in eleven new Barons several of them inferior Servants & Dragoons in the Ld Carmichaels Regiment who were to be purchasers of Lands they knew nothing of nor had paid nothing for, but their names used even without the knowledge of some of them, and if this trick had taken effect it was redeemable for less than twenty shillings & the Freeholds to be redelivered after the Elections are over....'.(3)

Lord Carmichael evidently had been creating votes of the very worst type, and in the process it would appear that he had alienated a considerable number of the real barons of Lanarkshire who had earlier

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1. Duke of Hamilton's letter of 26 June 1708: B.M. Add.MSS 9102

2. Mungo Graeme of Gorthie to Montrose, 26 June 1708: GD220/5/6

3. Duke of Hamilton's letter of 12 June 1708: Add.MSS 9102

supported him for, assuming Carmichael to have acted rationally, he must have believed that he had enough support among the real barons to carry the election when they were supplemented by his nominals. Instead Carmichael found himself deserted, for Lord Archibald easily carried the Clydesdale election, and although the Duke of Hamilton succeeded in preventing nine of the nominals from passing the Court of Exchequer until after the election this was not decisive. The real point of interest in the Lanarkshire election is the fact that too flagrant an attempt to pack the Freeholders Roll could be self-defeating, for in the final result 'the Lord Carmichael had not above eight good Votes to 36'.(1) In Stirlingshire also the freeholders were quick to show their resentment of any attempt to pack the roll, and this fact seems to have been appreciated by the leading politicians of the county, for the extensive manufacture of nominal qualifications is not found in Stirlingshire before the second half of the eighteenth century.

Henry Cunningham of Boquhan received a majority of the votes given at the Stirlingshire election of 1708, but when it came to making the return the Sheriff took a different view, for, according to the Duke of Montrose:

'my Lord Linlithgow designs to cause return Sir Hugh Paterson or at least to make a double return, tho its certain he had not by 5 votes so many as Mr.Cunningham....but the pretence I find is that Mr.Cunningham's signature as a Freeholder did not pass the Excheq. till after the Writs came out which is indeed no objection at all.....its what has been done of late and always amongst us and no provision in any Act of Parlt. agt so doing', which was true enough.(2)

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1. Duke of Hamilton's letter of 17 June 1708: Add.MSS 9102

2. Duke of Montrose to Lord Sunderland, 17 June 1708: Add.MSS 9102

It appears to have been the Duke of Hamilton who insisted that a double return should be made,(1) and Lord Linlithgow obliged him, but the House of Commons found no difficulty in deciding in favour of Boquhan.(2)

The only man to emerge from this extraordinarily botched election with any credit, apart from the successful candidate, was his principal supporter, the Earl of Mar, who was undoubtedly the real victor in the first election to the British Parliament. The Earl had started from a very small territorial base in Stirlingshire and proceeded to outwit the two greatest landowners in the county, the Duke of Montrose and the Earl of Linlithgow, both men of very substantial interest. Mar naturally opposed the candidate supported by the Duke of Hamilton, but he was even more opposed to his own relation Sir John Erskine of Alva. 'I wou'd rather have any body there or any where else than him', Mar told his brother.(3) Both were kept out, and whatever the Duke of Montrose and Sir John might think of their alliance with Henry Cunningham, the Earl of Mar had no doubt that he had succeeded in defeating all of his rivals. Mar informed the Earl of Stair that Sir John as well as 'the Duke of H(amilton)s man in Stirlingshire were.....defeated by Mr.CunninghamHe is a Cousine of myne and was the man I sett up for that Election'.(4) The Duke of Montrose for his part consoled himself

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1. Alexander Cunningham to the Duke of Montrose, July 1708:
GD220/5/2

2. Commons Journal vol.XVI, p.9 and 56.

3. Earl of Mar to Lord Grange, 8 May 1708: GD124/20/1557/24

4. Earl of Mar to the Earl of Stair, 20 June 1708.(Copy)
GD124/19/1494/1

with the thought that 'when I found that Sr John was not likely to carry it I used all my interest for Mr.Cunningham, who I am persuaded will be firmly of our side, I'm sure his education and principles lead him to be with us'.(1) This, however, was no more than wishful thinking on the part of the Duke, who was prepared to take an optimistic view of what might develop in the future, but any such development had in no way been anticipated by Montrose, who discovered the merits of Mr.Cunningham only when it was clear that Sir John could not secure election. The future, moreover, was to show that Henry Cunningham was his own man, and one of the first to appreciate that a seat in the House of Commons was a likely way to secure advancement.

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1. Duke of Montrose to Lord Sunderland, 23 June 1708: Add.MSS 9102

(2) The Election of 1710

A second General Election followed so closely upon the first that there was no change of personnel among the politicians of Stirlingshire, but certain developments during the intervening period ensured that they would not take up the same positions. The principal alteration to the political scene in the county was the elimination of Sir John Erskine of Alva as a candidate. The reason for Sir John's withdrawal is uncertain, but it appears to be linked with a rather unsavoury duel, fought in so irregular a manner as to border on murder. Sir John Erskine was not himself a participant, but a close relation, the Master of Sinclair (1) had killed two fellow officers while serving in the army in Flanders. The two dead men were brothers, Ensign Hugh Schaw and Captain Alexander Schaw, whose elder brother, Sir John Schaw of Sauchie, was a neighbour of the Laird of Alva. Accounts of the killing of Captain Schaw vary, but he was undoubtedly slain as he rode at the head of a military column and with none of the formal preparations for a duel. It would appear that Captain Schaw had shown too much resentment at the death of his younger brother, and that his words had incensed the Master. According to the Master's friend, Sir John Erskine, the Captain:

'after having called the Master, Villain & Rascall and the Master having demanded satisfaction, he sent him word to follow him immediately on horseback with pistolls which accordingly he did. And the Master desiring he might either beg pardon for what he had done or withdraw to a more convenient place because on that head

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1. John Sinclair, eldest son of Henry, ^{10th} ~~eighth~~ Lord Sinclair.
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'of the line they might doe injury to persons not concern'd. The Captain gave the Master hard words, on which the Master said he would find a fitter opportunity to doe himself justice, and was going away. But the Captain call'd him back saying he was an ill man to bring ane affair so farr & doe no more. The Master then bid him take care & both drew their pistolls, and the Master had the misfortune to shoot him dead....'.(1)

There are, of course, other versions of the story, but these are of no consequence for the political history of Stirlingshire. What is important is the fact that, after relating the Master's version of the encounter, Sir John Erskine went on to beg that the Earl of Mar would 'not refuse favour to the eldest son of so good a family on my account'.(1) After being condemned to death, the Master of Sinclair was permitted to escape and entered the Prussian army until a pardon could be secured. If Mar had anything to do with this he rendered a singular service to Sir John Erskine as well as to the Master. Naturally he would avoid publicity, for the Schaws were well connected, but in any event Sir John Erskine decided that he could no longer oppose the interest of the Earl of Mar by continuing to stand as a candidate for Stirlingshire, although he still showed himself a friend of the Duke of Montrose to the extent of being guided by him in the matter of his own vote.(2) The Earl of Mar, however, although insisting that Sir John Erskine could not carry the county, added 'tho I were sure of him if he did' stand.(3)

The elimination of Sir John Erskine reduced the field to two candidates, Henry Cunningham and Sir Hugh Paterson. The Duke of

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1. Sir John Erskine to the Earl of Mar, 20 October 1708
GD124/19/1525/1
2. Sir John Erskine to the Duke of Montrose, 3 August 1710:
GD220/5/4
3. Earl of Mar to Lord Grange, 6 June 1710: GD124/21/1618/2

Montrose, perhaps for lack of a suitable candidate to replace Sir John, took no active part in the election of 1710, although he had patched up his quarrel with the Earl of Linlithgow.(1) This development gave the Earl of Mar an excellent opportunity to dominate the politics of Stirlingshire, and his moves to effect this are an outstanding example of political management with the minimum of bribery. The key to success for Mar was the assistance of the Earl of Linlithgow and his friends, who formed the second interest in Stirlingshire, exceeded only by that of the Duke of Montrose. Lord Linlithgow's great ambition was to secure the office of governor of Blackness Castle, and by readily promising his assistance the Earl of Mar thought to win his support. Mar's attempt to win the friendship of Lord Linlithgow does not seem to have been to the taste of the latter's Jacobite friends, for efforts were made to break off the negotiations between the two peers. One story which was spread with this object in view was that the Earl of Mar was endeavouring to get a gift for himself of the Earl of Linlithgow's sheriffship of Stirling and regality of Falkirk, on the pretext that the Earl had not taken steps to qualify himself to hold office.(2) Whether or not the story had partly convinced Lord Linlithgow, he took no chances and, as Lord Grange informed his brother:

'He qualify'd before us in the Session on Saturday last, wch people said was for fear of you. You see what a villanous Spirit of devilish malice & lying prevails among us.....it is evident that your Enemy's have by this design'd to blacken youand to destroy all friendship & good Correspondence betwixt you & my Id Lithgow.....'.(2)

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1. Earl of Mar to Lord Grange, 6 June 1710: GD124/21/1618/2

2. Lord Grange to the Earl of Mar, 14 December 1708:
GD124/20/1558/28

There was not a word of truth in the story of course, and by active attempts to track down the source of the rumour Lord Grange seems to have reassured Linlithgow that Mar did not have his eye on the Earl's offices.

By the spring of 1710 the politicians were preparing to meet the possibility of another General Election. The Earl of Mar was well placed, for, as he informed his brother, 'the D(uke) of Argyll, Ilay & I are more of a pice than ever & will be so if a new Parl. come espetially'.⁽¹⁾ Accordingly, Lord Grange was urged to take great care with Lord Linlithgow for 'if he & I should differ it wou'd occation a great dale of trouble.....He needs not be uneasie about his pretensions, for I belive I found a way to secure it for him, tho I have not yet authority to tel him so, but you may insinuat it to him'.⁽¹⁾ Mar, like most politicians, was always generous with promises, but at the same time left a loophole in order to escape any complaint of non-performance.

But if the assistance of Lord Linlithgow was held to be vital for the success of the Mar interest in this election, this opened the question of the candidate to be set up by that interest. In 1708, it will be recalled, Henry Cunningham of Boquhan was supported by the Earl of Mar, while the Earl of Linlithgow favoured Sir Hugh Paterson of Bannockburn. Now in 1708, although Boquhan was successful, he owed his victory not only to Mar but also to the Duke of Montrose and the freeholders in his interest. In 1710 the Duke's support was not to be expected, and without it Cunningham's success was uncertain. Mar was only interested in certainties, and Lord Linlithgow, with admirable

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1. Earl of Mar to Lord Grange, 6 June 1710: GD124/21/1618/2

loyalty, was sure to support his friend Sir Hugh Paterson. To the Earl of Mar the corollary seemed obvious: 'Harie Cuning(ham) will not I belive be able to cairie it again.....Lithgow will certainly be for Sr H.Paterson & I have no objection to him if he'll be well wt me & not more another's than mine'.(1) Having decided, purely on grounds of political expediency, to drop Boquhan, Mar tried to justify his decision to himself by finding fault with the man who was to be ditched, claiming that he was not to be trusted. 'I hear Harie is makeing an intrest wt some of the Squad. wch I do not like', wrote Mar, but if the allegation was true it is only proof of the good sense of Boquhan, who must have realised that his friend Mar was unreliable.(2) Nevertheless it was intended that Henry Cunningham should be dropped as quietly as possible, for Mar evidently felt that the political world might change again and that his erstwhile friend might yet come to be useful. 'However you wou'd speak to Harie of it and parte fairly wt him that he may have nothing to say against us', Mar insisted, as he imposed this difficult task on his brother Lord Grange.(2) But however it was to be arranged the parting had to be arranged quickly if Mar was to appear as the architect of victory in the election, for Sir Hugh Paterson was being pressed by others to come forward as a candidate, and if Sir Hugh started before Mar made an approach to him 'we will loose our thanks by being too late a speaking to Sr Hugh'.(2)

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1. Earl of Mar to Lord Grange, 6 June 1710: GD124/21/1618/2

2. Earl of Mar to Lord Grange, 27 July 1710: GD124/21/1618/10

By July 1710 it began to appear that Mar might have overreached himself, for it was doubtful whether either Sir Hugh or Henry Cunningham could be regarded as likely to be in Mar's interest. 'As I have reason to suspect the one of being more the D(uke) of H(amilton)s than mine so on the other hand the wayes the other takes wt the Squad. gives me equall ground to suspect him there'.(1) This is hardly surprising if true, for Sir Hugh owed nothing to the Earl of Mar who simply intended to use him, as he had previously used Henry Cunningham, to augment the political importance of the Earl of Mar. Henry Cunningham, as a shrewd politician with an eye to his own future, was not so foolish as to trust to Mar's friendship, and very probably was negotiating with some members of the Squadrone. Mar nevertheless had no real alternative plan. He had to go on as he had begun, for the Earl of Linlithgow's friendship could only be preserved by supporting his friend Sir Hugh, in spite of the suspected connection with the Duke of Hamilton, for Linlithgow's assistance was likely to be essential not only in the county of Stirling but also in the Peers Election.(1)

Mar had only one object in entering the politics of Stirlingshire, and that was to appear to be the principal supporter and patron of the winning candidate. It would have been more convenient if such a candidate was actually a dependent, but as this could not be, Mar was determined to choose the most likely victor:

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1. Earl of Mar to Lord Grange, 29 July 1710: GD124/21/1618/11

'If we can get fairly quitt of the man that spoke to you, I confess I incline for the other, who I think beside is surest of cairying it.....', wrote Mar. 'All this is not to say but I have a kindness for him that spoke to you, but as things stand I think my being for the other were the likliest way for me to strengthen my interest in that shire in time comeing'.(1)

Even the difficulty of Sir Hugh's connection with the Duke of Hamilton did not look so serious in the summer of 1710, for Hamilton was holding aloof from the Squadrone and seemed likely to join Mar and his friends. 'The D. of H(amilton) is every day more likely to be wt us, wch hapning will I think make our bussiness easie', was Mar's opinion.(1) But this was not an entirely satisfactory arrangement even if Hamilton were to join Mar. As one of the freeholders in Mar's interest put it in a letter to Grange: 'I wish Sir Hugh may be thought your brother's friend, tho others pretend to have him intyrlie, bot if your brother and those be upon the same foot, its the best wee can make of it'.(2)

Sir John Erskine of Alva made no move to solicit support for himself, for the reasons already discussed, but in the course of the summer of 1710 he appears to have realised that he might be in the happy position of being able to cast the balance in favour of one of the candidates, and proceeded to ask for an office, hinting that it might not be advisable to neglect him. Although Sir John 'was resolved not to be a member of this parliament but would live ane honest farmer....att home', he emphasised that he had been urged to stand for election not only in Stirlingshire, but also in the Stirling and Dysart Districts of Burghs.(3) Sir John, however, was

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1. Earl of Mar to Lord Grange, 29 July 1710:GD124/21/1618/11
2. Colonel Erskine to Grange, 17 August 1710:GD124/21/1625/2
3. Sir John Erskine to Grange, 21 August 1710: GD124/21/1629/3

easily satisfied by promises, and in any case he could hardly have intervened successfully in Stirlingshire on his own account in late August, although he could have made trouble by canvassing for Henry Cunningham. Henry Cunningham of Boquhan, for his part, continued to try to persuade Mar to support him, for it was certain that nobody else would. 'I can fully satisfy your Lordship yt my Cause is not so desperat as some people are pleas'd to represent it, and yt their grate Confidence in Success has no soleder foundation than their Imagination', he insisted.(1) Boquhan went on to produce a suitably optimistic list of his supporters for the benefit of Lord Grange: 'By which I am hopefull to have his Lordship's favour and assistance at the day of electione which I will value more then that of being elected.....and I ambition nothing more then to be calculated amongst his and your Lordship's servants'.(2) But no one, and least of all Grange and Mar, seems to have shared Boquhan's optimism, and they declined to alter their policy of supporting the the probable victor, Sir Hugh Paterson.

When the Freeholders of Stirlingshire met in the court-house of Stirling on the 17th October 1710 to elect their commissioner, it proved to be a walkover for Sir Hugh Paterson. Thirty-four barons voted,(3) and in the main the minutes of election show a good deal of consistency in voting, which would appear to imply that the

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1. Henry Cunningham to Lord Grange, 5 Sept.1710: GD124/21/1645/1
2. Henry Cunningham to Lord Grange. 13 October 1710:
GD124/21/1645/2
3. Freeholders Minutes SC67/59/1/14

absence of any evidence of attempted bribery is not simply an accident of survival. In the final vote in 1710 Sir Hugh Paterson received 24 votes, including his own, while Henry Cunningham obtained only nine. Seven of Cunningham's eight friends had voted for him in 1708, and he had gained one vote from Sir Hugh. Sir Hugh, on the other hand, had thirteen supporters in 1708, and twelve of them were still with him in 1710, while he had gained four votes from Cunningham. The other six freeholders who had supported Henry Cunningham in 1708 did not appear at the election of 1710, and the balance was made up by men who had not voted at the first election. The abstention of the Duke of Montrose permitted the members of his interest to go over to Sir Hugh or, as most of them did, to stay away, cutting Boquhan's support to his own friends. But the size of the Duke of Montrose's interest was still unknown, for he had not fought an election in a way which would allow this to be assessed. Once again the Earl of Mar, in spite of his limited following in Stirlingshire, had managed to present himself as the backer of the victorious candidate. The losing candidate, Henry Cunningham of Boquhan, succeeded in obtaining election for the Stirling District of Burghs. Whether this was in the nature of a consolation prize awarded by the Mar interest, for the constituency had previously been represented by Colonel Erskine, one of Mar's party, or whether Boquhan took it for himself is uncertain, but the second alternative appears the more likely in that there was dissatisfaction with Col. Erskine in the Burghs. Certainly, by the election of 1715, Cunningham and Mar were enemies.(1)

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1. Mar to Sir John Erskine, 7 Sept. 1714: 'for God's sake get Harie Cunninhame defeated cary it who will...'. Erskine Murray 5072/24

(3) The Election of 1713.

The alliance between the Earls of Mar and Linlithgow enabled the former to count the member of parliament for Stirlingshire among his friends, but in 1710 this alliance had no very solid base. Family solidarity was a very potent factor in the politics of the early eighteenth century, and in consequence there was a real possibility that the Earl of Linlithgow might become the ally of his cousin the Duke of Montrose, which would transform the political situation in Stirlingshire. The Earl of Mar was fully aware of this danger, particularly as Linlithgow had received little tangible benefit from his connection with the Court. Linlithgow was in dire straits financially, and he had not really given his friendship to Mar personally, Sir Hugh Paterson being Linlithgow's friend rather than Mar's. Lord Linlithgow had one great object in view, and if Mar and his friends would not assist him it was certain that he would turn to some other group of politicians. Linlithgow's ambition centred on the office of governor and captain of the Castle of Blackness, one of the Scottish fortresses which had a permanent garrison of an independent company of infantry. This office had been in the Earl's family for 150 years, and he claimed to possess a hereditary right to it,⁽¹⁾ but the present Earl had succeeded to his title as a minor, and on this ground had been deprived of the office, the captaincy being given first to the Earl of Buchan and then to the Earl of Dumore. Lord Linlithgow had hoped to be one of the

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1. 'The true case of Lord Linlithgow's right and claim to the Captainry of the Castle of Blacknes':HMC Portland X, pp.200-1

peers elected from the Court list in 1710, and having failed to obtain this he now insisted that his claim to the captaincy of Blackness should be accepted without further delay. By 1712 he appears to have been losing patience with Mar and his associates, for Mar felt constrained to write to the Earl of Oxford urging that Linlithgow should be satisfied. 'The Earl of Lithgow's affair of Blackness Castle has been so often promised him and still put off or delayed that I am almost ashamed to mention it; but unless it now be made effectual to him he will think that he has no friends here, and will probably take measures and join with the other side'.

(1) Lord Oxford appears to have agreed, for on 1st November 1712 Lord Linlithgow wrote to him to express his gratitude for a commission as captain of Blackness, and promised to show his gratitude on a suitable occasion.(2) Having satisfied Linlithgow, Mar encountered no difficulties at the election of 1713, when Sir Hugh Paterson was unanimously re-elected to represent Stirlingshire.(3)

The election of 1713 is mainly notable for the decision of the Freeholders of Stirlingshire to comply with the requirements of the Act of Parliament of 1681 and make up a Roll of Freeholders entitled to vote at elections. Those freeholders who were not included in the new Roll could now only claim a vote 'upon their production of sufficient documents'.(4) This development allowed subsequent

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1. Earl of Mar to the Earl of Oxford, 21 May 1712:HFC Portland X, p.266
2. Earl of Linlithgow to Oxford, 1 November, 1712:Portland X,p.200
3. Freeholders Minutes SC67/59/1/21
4. Freeholders Minutes SC67/59/1/21

election meetings to be conducted in a more systematic way, in contrast to the elections of 1708 and 1710 when there were many disputes regarding the right to vote, and many claimants making no attempt to establish their right by documentary evidence. The new Roll did not end electoral disputes, but from this date no baron could establish a right to vote without producing acceptable proof that he possessed a freehold estate. This major development occurred at different times in the various counties, and 1713 is almost certainly one of the earliest examples of a concern for regular procedure.

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(4) The Election of 1715.

The death of Queen Anne, on 12th August 1714, and the certainty of an early General Election in the new reign, was the signal for a prolonged bout of electioneering, which in Scotland was intensified by the dismissal of the Earl of Mar from his office of Secretary, and his replacement by the Duke of Montrose.^{2a.} Even before the Queen's death the question of an election had been in men's minds, while the acknowledged danger of a Rising to decide the succession, coupled with the relatively defenceless state of Scotland, contributed to increased tension. A prominent Stirlingshire Whig advised the Duke of Montrose that:

'Tis thought that we shall have a new Election shortly all over for Parliament members, and because matters of that sort this while bygone have run in a channel not so very agreeable to such of us as were for this happy succession it was thought necessarie to apply to your Grace to receive your Sentiments in it before that any of us shou'd sett up for that end...'.(1)

The writer, Sir Alexander Hope of Kerse, hoped to represent the county himself, but insisted that 'out of my dutiful respect to your Grace I will not offer to stir in it before I shall be honoured with your opinion, which shall intirely regulate me'.(1)

Sir Alexander had good reasons for his deference to the Duke,(2) but the importance of the letter lies in the evidence it affords

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1. Sir Alexander Hope of Kerse to the Duke of Montrose, 6 August 1714
GD220/5/14

2. Earl of Hopetoun to the Duke of Montrose, 26 April 1714: 'Sir Alex. Hope has a business to be before the house of Peers which is of great concern to him I must intreat the favour of your Grace to speak to some of your friends to countenance him so far as justice will allow....'. GD220/5/3

2a. See P.W.J. RILEY: ENGLISH MINISTERS IN SCOTLAND, pp. 254-2

of an intention in the county to oppose their Tory representative, Sir Hugh Paterson, whether or not the Duke should stir. In effect Kerse was offering the Duke the first choice of a candidate, but Montrose's friends were no longer prepared to let matters drift, as had been the case at the earlier elections.

On this occasion, however, the Duke of Montrose had been persuaded to make an early start, and had decided to support a candidate who was considered to be a sure friend. The gentleman approached by the Duke, John Haldane of Gleneagles, had sat as one of the Scottish representatives in the Parliament of 1707-8, and was no newcomer to politics. But Gleneagles was not only a Stirlingshire freeholder, he was also one of the most important Perthshire Whigs, and in the latter county Whig barons were rather thin on the ground. The political situation in Perthshire in 1714 strongly favoured the Tory candidate, Lord James Murray, a son of the Sheriff of the county, the Duke of Atholl. Gleneagles, however, had great influence in that county, even if most of the gentlemen tended towards Jacobitism, and if the Squadrone were to make a serious attempt to keep out Lord James it was essential that Gleneagles should be seen to be free from commitments in other counties. Gleneagles advised Montrose that:

'tho I have not the Least thought of standing myself yett I know there ar severals who will not ingadge themselvs till they know whither I stand or not, those I intend to speak doubtfully too till I see what turn our affairs take and then I shall be readie to give all my interest and asistance to anie friend your Grace pleases to name....'.(1)

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1. John Haldane of Gleneagles to the Duke of Montrose, 30 August 1714
GD220/5/3

But although Gleneagles was unable to stand for Stirlingshire in consideration of the situation in the neighbouring county, an alternative candidate was available in Gleneagles' eldest son, Mungo Haldane, who at once began his canvass.

The situation in Stirlingshire at the commencement of the campaign looked fairly satisfactory from the Squadrone point of view. One week after the death of the Queen, Mungo Graeme of Gorthie was able to tell the Duke of Montrose that 'Young Gleneglis is setting up for Stirling Shire and yrs great probability he will carry it against Sr Hugh tho' he should stand, and all his old freinds should stand by him'.(1) Mungo Haldane's early start was a considerable advantage in itself, and one of Sir Hugh Paterson's friends declared that he believed 'we have been a little too long of speaking to our friends', (2) although he went on to insist that 'we shall stand the tryall, come of what will'.(2) Nevertheless, Haldane's diligence brought a speedy reward in the shape of several acquisitions from the enemy, which was the whole object of the campaign, for it must be emphasised that at this period the manufacture of nominal votes was not regarded as an acceptable method of altering the balance of power in the county. Haldane had:

'gott a positive promise from Sr Thomas Nicelson of Carnock who is on that always apeared for Sr Heugh and from Captain Dunbar of Mochrum who is a new Baron.....he went to Stirling and the Town has promised him their Vote as Calander of Craigforth has don his both which used to be for Sr Heugh....'.(3)

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1. Mungo Graeme of Gorthie to Montrose, 19 August 1714: GD220/5/7
2. Earl of Linlithgow to Montrose, 25 August 1714: GD220/5/15
3. John Haldane of Gleneagles to Montrose, 30 August 1714:GD220/5/3

The Tory candidate, Sir Hugh Paterson, was also active, and by September was busily canvassing the gentlemen freeholders and those who might have influence with them, assisted by the powerful interest of the Earls of Linlithgow, Mar and Eglinton.(1) The campaign was fought with determination by both parties, and the Duke of Montrose was advised 'that it is incredible to think what pains is taken what stories raised what efforts made to disapoynt that person and intrest which your Grace has pleased to declare for'.(2) The General Election of 1715 appears at first glance to be a straight party struggle between Whigs and Tories, between supporters and opponents of the Hanoverian Succession, but in reality the political situation at constituency level was less clear. In the first place, considerations of friendship and obligation, which formed the cement of any political interest, tended to cut across individual views on the Succession. The Duke of Montrose, in particular, spared no effort to gain the votes of freeholders well known to be Tories. Naturally the Duke ran into the obstacle of such men's reluctance to take the oaths (3) but he was not without success in gaining the support of gentlemen who might have been expected to adhere to Sir Hugh Paterson. The position in Stirlingshire was well described by the Squadrone candidate when he declared that:

'there is but one event can probably disapoint me, and that is my Torry friends be honestest to their principells and decline to qualifie, and if theirs break over all their pretensions to honour and faith I may come short. But I hope I have the less reason to fear that will happen when I have a good deall of assurance that as few will qualifie on Sir Heugh's account as on mine....'.(4)

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1. John Graham of Killearn to Montrose, 5 December 1714: 'My Lord Eglintoun who is very keen for Sir Heugh...'. GD220/5/5
2. John Haldane to Montrose, 28 October 1714: GD220/5/21
3. Patrick Bell of Antermony to Montrose, 15 Sept. 1714: GD220/5/3
4. Mungo Haldane to Montrose, 21 December 1714: GD220/5/3

Some Tory gentlemen could be attached to the Duke of Montrose by a show of friendship; Bontine of Mildovan, for example, was reported 'to speak more favorablie of Qualifying then ever he had Done before' and the Duke's chamberlain was 'to wait of him and to shew him he is in the List of the Justices which they think will be oblidging to him'.(1)

The Earl of Mar was aware that the friends of the Protestant Succession had very little in common, and at first felt reasonably hopeful that his enemies would split even before the elections were concluded:

'As we forsoaw our Scots kings are said to have some grumblings amongst themselves', he wrote. 'It is impossible (they can) hold together long & before the Elections it is hard to tel who may yet be togither. I hope the Torys will stick togither & go in a lump wherever it be. It is not impossible but yr old friends & some of us may make up....'.(2)

Naturally Mar could not count on such an arrangement, and steps were taken to make a good case for the Tories in the elections by the use of propaganda, which only took a Jacobite form when the audience was likely to be receptive. In the main the Tory platform in 1714 was based on a more popular issue and called for the termination of the Anglo-Scottish Union. According to Lord Rothes, who was an experienced politician not given to making wild statements, the plan seemed likely to cause trouble for the Administration. 'The Jacobites are verie Busie', Rothes reported, 'and make use of all the handles they can, But none that has so great appearances of succeſſe as that of

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1. John Graham of Killearn to Montrose, 5 December 1714:GD220/5/5

2. Earl of Mar to Sir John Erskine, 7 Sept.1714:Erskine Murray 5072/24

'Breaking the Union. It will certainly be push'd very violently every where, and Great Pains is taken to bring the Presbyterians in to it'.

(1)

The plan for promoting addresses against the Union was a clever one, for it appealed to men of all political sentiments and religious persuasions, and it was cleverly presented. According to the minister of a Fife parish:

'It is represented the King and the English Whiggs are for dissolving the union, onlie they want a publick discoverie of peoples minds about it and that none but the Squadrone will oppose it. The thing is popular as weel as just in my judgment and it will seem invidious in men that have been against the union to oppose such a motion.....'.(2)

The minister was cautious and ready to question the motives of the promoters of the addresses, even although he personally detested the Union, suspecting that 'the moving for a nationall adress at this time is contrived by the King's enemies and these that are deservedlie displaced fir there ill service to their countrie and the protestant succession.....under the late administration with an eye to perplex the King's affairs at this juncture'.(2) This man clearly was perspicacious enough to read between the lines and deduce correctly the object of the promoters, but the Squadrone politicians had reason to feel apprehensive that many Presbyterians might be persuaded to support the plan. The fact that much of the Presbyterian discontent stemmed from measures introduced during the Tories time of power, and

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1. Earl of Rothes to Montrose, no date 1714: GD220/5/18
2. Mr. Allan Logan to Sir Peter Halket, no date 1714. (Enclosure in (1) above.) GD220/5/18

that the Earl of Mar, who was believed to be behind the scheme of addressing for the dissolution of the Union, had been one of its chief promoters, was not an insurmountable obstacle to the plan. Such a project was no more likely to be considered critically by an eighteenth century voter than is a political manifesto by his modern counterpart. People are generally disposed to accept at its face value that which they want to believe. Mar, therefore, had succeeded in backing his enemies into the position of having to face an election as the defenders of an unpopular status quo, unless they could themselves raise another issue more favourable to their interest. The danger to the new Administration from such propaganda was immense, for there could be no doubt of the extreme unpopularity of the Union at this period. The clergyman's conclusion would have been widely endorsed throughout Scotland when he declared that 'if this address be not attended with evill consequences and such as may prejudg the protestant interest, and the King's design for the good of Europe at this time, I can not but approve of it, for I belive such a thing is necessarie, and such a thing must be some time or other'.⁽¹⁾ There must have been many who would swallow the propaganda with less reserve, and the fears of the politicians were entirely justified.

Mar's own view of the Union, or at least the story he put about for public consumption, was, one suspects, not quite the whole truth. Sir John Erskine of Alva, who was now Mar's close ally, was informed that:

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1. Mr. Allan Logan to Sir Peter Halket, no date 1714: GD220/5/18

'You know there was non more heartie for makeing it (the Union) than yr humble servant & another, at that time we had fine hopes about it & I think not without good reason, but these hopes have proved vain. All agree that tis better to be disunited than continue under the hardshipes they have put us.....I own that as I am never asham'd of being convinced of being in an error, I think the sooner we be disunited the better & now is the time for it if ever.....'.(1)

Without undue cynicism it is possible to suspect that not the least of the hardships justifying the dissolution of the Union was Mar's own dismissal from office, although it is true that the Hamilton peerage case, which hardened a good deal of opinion against the Union, may have had its effect on Mar.

The anti-Union propaganda was aimed directly at the politicians of the Squadrone. The general line taken by the propagandists was that 'none but the Squadrone will oppose' the dissolution of the Union.(2) The intention clearly was to divide the Scottish Whigs by deepening the divisions within their ranks, and it would appear to have been partly successful, for some of the Argathelians swallowed the bait laid out for them by Mar. According to Lord Rothes:

'Pains are taken by some People to encouradge those who are but too ready of themselves to goe in to such a measure.....those who have a Dependance on Ar(gy)le.....have Whispered things that doe much harm, whether it be only to raise odium against Sq(uadrone) or if theirs more in't I shall not determine....'.(3)

In a later letter on the same theme Rothes added: 'the Spring of all is from Greater Persons and you may depend upon it that Coll.Midleton and others who depend intirely on the Brothers give it out pretty openly

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1. Earl of Mar to Sir John Erskine, 23 December 1714: Erskine Murray 5072/24
2. Mr. Allan Logan to Sir Peter Halket, no date 1714: GD220/5/18
3. Earl of Rothes to Montrose, December 1714: GD220/5/18

'that Both of 'Em are for having the Union broke'.(1)

The project of breaking the Union was the only one on which a party might be formed which would have a chance of carrying the Scottish elections against the Government, for however divergent their views might be on other questions a great many Scots could agree on the expediency of this measure. The projectors did their best to rally support from every section of the Scottish community. 'These Addresses Against the Union are going very fast on', it was reported, 'there are of all sorts Calculate for Diferent People, those for the Clergy are to have in their Grivances, But whatever Diferent views people have they Generally agree in that to Desire the Breaking of the Union'.(2) The project of addressing against the Union was intended to be the first stage of the election campaign, for the ultimate intention of the anti-Union propagandists was to exact pledges from all parliamentary candidates that they would vote for breaking the Union.(3)

The danger of anti-Union sentiment sweeping Mar back into power was very real for a time, but the campaign finally came to nothing. The Jacobites themselves contributed largely to their own defeat, for the initial success of their propaganda appears to have gone to their heads, making them lose all caution and sense of what was practical politics:

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1. Earl of Rothes to Montrose, 21 December 1714:GD220/5/18
2. Earl of Rothes to Montrose, 18 December 1714: GD220/5/18
3. Principal John Stirling, Glasgow University, to Montrose, 31 Dec. 1714; GD220/5/20

'Things have taken such a turn within these few dayes by Representing things in their true Light that these who thought to make the Cats-foot of the Presbyterians are Intirely Defeat in that Project', wrote Lord Rothes, 'for our Jacobites who You Know are Generally fools, had advanc'd their argument a little too far, viz. that K.George had no Right to be our King but by the articles of the Union and Consequently if the one were Broke the other fell of Course. So I hope these Gentlemens Projects are MAR'D.....'.(1)

The foolish overconfidence of the Jacobites did not end the anti-Union campaign immediately, for, as Rothes remarked, 'sometimes tis like to be Crush'd, and Breaks out again Like a Smother'd Flame, these of the Presbyterians that are Wise see the Danger, others Run Rashly in to it, then Repent it, and a third time Encourage it. Depend upon it, others then Profest Jacobites Encourage it'.(2) Nevertheless the Tories had overreached themselves, by forcing the Presbyterians to see the issue as a choice between an independent Scotland under a Roman Catholic King, or Union under a Protestant one, the Jacobites effectively demolished their own case, and anti-Union propaganda ceased to have much effect after the end of the year 1714.

In Stirlingshire active canvassing continued into the winter of 1714-15. The Michaelmas Head Court of 1714 passed without incident and was thinly attended, which might have suited the Tory candidate, but Mungo Haldane 'came happily to Stirling with two or three of our friends in time enough to hinder their making up a new roll of Electors fitt for their own purpose, which is of considerable importance'. (3) Throughout this campaign the Duke of Montrose's friends acted

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1. Earl of Rothes to John Cockburn, 25 December 1714:GD220/5/18
2. Earl of Rothes to Montrose, 26 December 1714: GD220/5/18
3. Mungo Haldane to Montrose, 21 December 1714: GD220/5/3

with great circumspection, particularly with regard to the new commission of the peace for the county, well knowing that they could not afford to make enemies. The Duke, as Secretary of State, entrusted the nomination of suitable justices to his friends, but his leading agent in Scotland, Mungo Graeme of Gorthie, insisted that he:

'was affray'd of disobleidging, especially if those who have votes should be left out. Its true the majority of this list will not allways go our way, but I would not venture to help it.....for I never see but little slights of this nature disobleidges more then the thing is worth, and sometime or other their may be occasion to sollicite those people, who to be sure must mind it....'.(1)

The list of the Justices of the Peace for Stirlingshire would appear to show that Gorthie had his way, for there certainly was no general purge of the enemies of the Duke's party.(2)

By early December it was possible to hazard an estimate of the strength of the two parties, when Gleneagles friends believed that he could count on the votes of nineteen barons, while fourteen were sure to support Sir Hugh Paterson.(3) This was by no means a convincing lead, especially as such estimates normally take an overconfident view of the chances of the party of the compiler. There were many uncommitted voters, whose importance was thus enhanced. John Callander of Craigforth was one of the waverers, although he had been thought to be engaged for Gleneagles quite early in the contest. By December, however, Montrose's chamberlain reported that 'he is Wavering since he was at Glasgow Laterlie with Sr Hugh'.(3) The town of Stirling,

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1. Gorthie to Montrose, 26 November 1714: GD220/5/7

2. List of the Justices of the Peace for Stirlingshire 1714:
GD220/6/1

3. John Graham of Killearn to Montrose, 5 December 1714:GD220/5/5

which enjoyed a vote in county elections in respect of the lands of Cowan's Hospital, a charitable foundation situated within the burgh, had been secured for Gleneagles, and now the town's influence was brought to bear upon the Laird of Craigforth, whose estate was situated in the vicinity of the town. John Graham of Killearn, the Duke of Montrose's chamberlain, 'went with the provost to Craigforth who used severall arguments of freindship and obligatones betwixt the Good toun and him.....However he would give no furdur satisfact-ion then that he Would not tell how he was to Vote till the Day of Election'.(1) This was somewhat unsatisfactory, so Montrose was advised to write personally to Craigforth, and also to 'procure a Letter from Kinneuchers Lady desyring his freindship on account of the old obligations he owes Sr Wm.Bruces familie I'm persuaded they'll both have weight'.(1) It was standard electioneering procedure for voters to be approached by those they would hesitate to disoblige, but the necessary delays made it difficult to produce accurate lists of voters. Moreover, the same methods were used by all parties, and it was sometimes safer for a voter to refrain from attending the election in order to avoid giving serious offence.

Cunningham of Cadell, another Stirlingshire freeholder, was closely pressed by agents of the two candidates. On the one hand, Henry Cunningham of Boquhan urged him to declare for Gleneagles and the Protestant Succession, while at the same time his chief, the Earl

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1. John Graham of Killearn to Montrose, 5 December 1714:GD220/5/5

of Eglinton, endeavoured to gain his vote for Sir Hugh Paterson.(1) Sir Hugh's friends did not hesitate to resort to trickery to gain Cunningham's promise of support, for one of these friends, John Glass of Sauchie, engaged the Laird of Cadell for Sir Hugh by pretending that the latter was the only candidate in the field. When the Laird discovered in due course that he had been tricked, he determined not to go to the election meeting at all, for 'he is satisfied that Gleneglis is the man he would have'.(2) Freeholders generally had a very nice sense of honour, and a promise once given was rarely broken; the Laird of Cadell had been tricked, but he would not vote against the man that he had promised to assist. Henry Cunningham of Boquhan was reluctant to leave this friendly voter out of the reckoning, however, and set out to win over Cunningham of Cadell's lady, who was his mother-in-law. (She was also the sister of John Glass of Sauchie, the canvasser for Sir Hugh Paterson) Lady Cadell was soon persuaded to work on her husband, and he was finally induced to attend the election meeting and vote at the making up of the Roll, but his conscience would not permit him to vote for Gleneagles in opposition to Sir Hugh.(2)

By the beginning of 1715 the campaign had clearly turned against Sir Hugh Paterson who was not gaining support, and he must have been discouraged by the unexpected loss of one of his friends, Foster of Kilmour, who 'had the misfortune to turn furiously mad, and is bound'.

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1. John Graham of Killearn to Montrose, 5 December 1714:GD220/5/5
2. Mungo Graeme of Gorthie to Montrose, 7 December 1714:GD220/5/7
3. Gorthie to Montrose, 20 December 1714: GD220/5/7

But Sir Hugh fought on, and not without some hope of success, for he could rely upon the continuing friendship of the Sheriff, the Earl of Linlithgow.

John Haldane of Gleneagles, the gentleman first suggested as the candidate of the Montrose interest in Stirlingshire, had stood down in favour of his son Mungo Haldane in order to manage the Whig interest in Perthshire, where his attention was considered to be vital. Gleneagles, of course, was a freeholder in both counties, but he was not the only gentleman in that situation, and of those who were, at least five were supporters of the younger Haldane in Stirlingshire. The Haldanes were opposed in both counties by the sheriffs, the Duke of Atholl and the Earl of Linlithgow, and at the beginning of February 1715 it was revealed that both elections had been ordered to be held on the same day, the 10th February. Whether this was simply coincidence or whether, as is more likely, the date had been fixed after consultation between the two sheriffs, matters little, the fact was that Gleneagles and his son were forced to lose six votes in one county or the other, for voters could not attend meetings in Perth and Stirling on the same day.⁽¹⁾ If this had been an unexpected development it might well have saved Stirlingshire for Sir Hugh Paterson, but in fact the possibility had long been foreseen by the Haldanes and their friends, and they had a plan in readiness.

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1. John Haldane of Gleneagles to the Earl of Rothes, 5 February 1715
GD220/5/3

The Laird of Gleneagles promptly abandoned his pretensions to the county of Perth in favour of Sir Harie Stirling, a moderate Tory who could hope for support from all shades of the political spectrum, and particularly from those freeholders whose main concern was to defeat Lord James Murray, principally on the ground that he was a son of the Duke of Atholl whose power was resented. Gleneagles with all the Perthshire barons with votes in Stirlingshire whom he could muster attended the Stirling election. This decided the question, and Mungo Haldane was elected without opposition. As the Laird of Gorthie reported: 'notwithstanding of all the opposition we recd. When they came to the field of battle they saw the majority against them (and) they fairly gave it up'.(1)

There appear to have been few attempts to win votes by bribery during this contest. The only patronage of which any record survives went to the family of the Whig candidate. John Haldane had solicited posts in the Royal Household for one or more of his sons,(2) and the family was rewarded by an office of gentleman usher to the Prince of Wales. This is not to say that there was no demand for places among the freeholders, but the new Government did not attempt to satisfy their demands. Management would undoubtedly have been easier had more places been available for 'selfish views goe a great lenth wt most people',(3) but the Squadrone people appear to have done little more than entertain the voters, for, as Lord Rothes put it, 'it is

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1. Gorthie to Colonel Kennedy, 10 February 1715: Dalquharan GD27/3/24/3

2. John Haldane to Montrose, 4 Sept. and 24 October 1714: GD220/5/3

3. Earl of Rothes to Montrose, 26 December 1714: GD220/5/18

'necessary to give folk their Gutts full of Drink since I'm affraid it will be all that severalls will gett who are Gaping for Places'.(1)

The Jacobite Rising which followed the election of 1715 had its effect on Stirlingshire political life by eliminating several important figures in addition to the Earl of Mar. Sir Hugh Paterson of Bannockburn took part in the Rising, as did Lord Linlithgow and Lord Kilsyth, while several other gentlemen were implicated. The principal result of the Rising in the context of Stirlingshire politics, therefore, was a considerable increase in the relative importance of the Duke of Montrose who soon replaced his cousin as Sheriff of the county.

The election of 1715 was not a trial of strength between Whigs and Tories in Stirlingshire, and it can afford no evidence of the degree of sympathy for the Jacobite cause to be found among the gentry of that county. A rough indication of the strength of Jacobite sympathies, however, may be found in the contest for a minor local elective office, that of Collector of Supply for the county. The election of the Collector was held on the 28th July 1715, on the very eve of the Rising, when the issue was much more clearly Jacobite against Whig. The Collector of Supply was chosen each year by the Commissioners of Supply and he was paid for his trouble in collecting the land tax. The salary attached to the office was variable at the discretion of the Commissioners, and at this time it was attractive enough to produce frequent contested elections. On this occasion three candidates came

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1. Earl of Rothes to the Duke of Montrose, no date 1714: GD220/5/18

forward, Gabriel Napier of Craigarnet, John Stirling, a brother of the Laird of Herbertshire, and John Don of Seabegs, who was also the Clerk of Supply and an important figure in the town of Stirling. There is no need to consider this minor election in much detail, but in short, Napier and Stirling were both Whigs and both professed friendship for the Duke of Montrose, while the third man, John Don, was the candidate of the Stirlingshire Tories. Any division within the Whig ranks obviously favoured Don, so with some difficulty the Duke of Montrose's commissioners patched up a compromise, whereby the two Whigs agreed to serve as conjoint holders of the office, which cleared the way for a trial of strength between the two parties. The result was a triumph for the Whigs, who carried the election of their candidates by 35 votes to 15, but the chief point of interest is not the size of the Whig majority, it is the strength of the Tory group at a time when civil war seemed imminent. To the fifteen Tory Commissioners of Supply would have to be added the nonjurors, so that in all probability the gentry of Stirlingshire were fairly evenly divided, although it must be admitted that 'Tory' was not always synonymous with 'Jacobite'.⁽¹⁾ On the other hand, at least one of the Commissioners of Supply rode into the hills shortly after the meeting to join those who had taken up arms. On the 1st August it was reported that 'many of our Jacobites heir abouts have gone actualy to the Highlands and taken all their horses and followers they Can Raise.....Bardowie is off with all his Equipage'.⁽²⁾ Nevertheless, it must again be emphasised that in

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1. John Graham of Killearn to Montrose, 28 July 1715: GD220/5/5

2. James Graham to John Graham of Dougalston, 1 August 1715:
GD220/5/5

Stirlingshire it was only on the occasion of this comparatively minor local election that politics polarised into a Whig-Tory confrontation, Normally county politics were very different, and even at that time some of the Whigs were reluctant to press their advantage. 'Wee turned out John Don, their great man, from being Clerk.....which is the greatest mortification Could be given them and what they Least expected', reported one of the Whig Commissioners of Supply, but added 'it was hard enough to gett all our own party to goe in to ye measure'.(1)

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1. James Graham to John Graham of Dougalston, 1 August 1715:
GD220/5/5

Chapter Two

County Politics, 1715 to 1727

(1) The Election of 1722

During the years between the Rising of 1715 and the next General Election in 1722, the Duke of Montrose systematically attempted to consolidate the dominant position in which he found himself as a result of the attainder of his rivals. The Duke's actions were dictated, in part at least, by fear of a new rival, for as early as February 1716 he had been warned that 'ye may beleive D(uke) A(rgyle) is at a great deall of pains to extend his interest every where, and in particular he has his eye on Stirling Shire'.⁽¹⁾ The first and most obvious way of securing the interest of the Montrose family was to acquire the office of Sheriff of Stirling lately forfeited by the Earl of Linlithgow, but this was a step which the Duke was very reluctant to take, insisting that he 'ever was determined never to meddle in any forfeiture, and especiaillie in what belonged to a near relation'.⁽²⁾ This was all very well, however, but if the Duke did not take the office then someone else would, and his friend Mungo Graeme of Gorthie put the facts before his chief with his usual bluntness. 'I cannot think but its as naturall to you to apply for what belonged to yr Cousin as another', he wrote, 'and I cant think that any body that has a grain of sense in them can reflect upon yr Gr. for asking such

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1. Gorthie to Montrose, 8 February 1716: GD220/5/7

2. Montrose to Gorthie, 15 May 1716: GD220/5/9

'a thing, since its by no means any hinderance to the K(ing) to show his mercy if he thinks fitt'.(1) The obvious danger was that the office might be obtained by the Duke of Argyle, and if that happened 'that Shyre is of consequence lost, for ye may depend upon it that the generality (yea a good dall more) of freinds follow those in power, or at least seem so, and if once people getts a haunt another way, its by chance only if they come back'.(1)

Montrose, however, continued to show reluctance to take his cousin's office, and favoured allowing it to be given to Lord Forrester or the Earl of Buchan, whose interest in Stirlingshire was not likely to be excessive even with the support of the sheriffship.(2) Gorthie, on the other hand, rightly worried about the possible consequences of such excessive coyness on Montrose's part, for the King might well resent the refusal of his offer and another peer being nominated, and instead give the office to Argyle who had asked for it:

'It must certainly rankle the k(ing) and his favor may.....wear out and (be) given to others and then at last turn to a disobligation', wrote Gorthie. '.....Whatever your indifference may be of being much in bussiness yet I'm sure ye'd wish to continue in the good graces of a certain person, and its just that and no more that I'm pleading for by my writeing this.....'.(1)

There was a good deal of sense in Gorthie's remarks, for it can be safely assumed that there were many people about the Court ready to draw the King's attention to any action which could be construed as a slight. Montrose had not strengthened his position at Court by following the dictates of conscience and compassion with regard to the

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1. Gorthie to Montrose, 10 May 1716: GD220/5/7

2. Montrose to Gorthie, 15 May 1716: GD220/5/9

Jacobite prisoners rather than his own interest. Montrose had left office during the Rising of 1715, but it was just at this time that Lord Nottingham was dismissed for doing just what Montrose had done, an event which shocked the Duke who was wholeheartedly with Nottingham.(1) Consequently, after reflecting on Gorthie's arguments for a few weeks, the Duke agreed to accept a commission as Sheriff of the county of Stirling. According to the Duke, his reason was that 'to speak plain that point was like to be wrought in a wrong way, at least I apprehended there was something intended that was not so right, in short the K(ing) desired I should take it my self so I immediately obeyd his commands'.(2)

The Montrose interest carried the election of 1715 in association with the Haldanes of Gleneagles, but this alliance proved to be unstable, for the Haldanes had entered Stirlingshire politics for their own purposes, and were only prepared to co-operate with the Duke in so far as their interests coincided. In the summer of 1716 John Haldane added the post of Commissioner of Customs in Scotland to his existing office of Commissioner of Police;(3) Gleneagles was a staunch supporter of the Protestant Succession and there was nothing remarkable in his preferment, but he did not obtain his new post through the good offices of the Duke of Montrose. According to the Duke, 'he

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1. Montrose to Gorthie, 3 March 1716: GD220/5/9
2. Montrose to Gorthie, 30 June 1716: GD220/5/9
3. Montrose to Gorthie, 7 July 1716: GD220/5/9

'owes this to his patrons my Ld Toun(shend) & Mr.Wal(pole) whose great favorit he is as you'l easiely belive by the care thats taken of that family'.(1) Montrose was soon disenchanted with the family of Gleneagles, and early in the year 1718 remarked to his friend Gorthie, 'it's impossible for me to tell you the practices of that family. The less one has to do wt them the better, assure yr self I don't say this upon slight grounds'.(2) When a freeholder solicited a pension from the Government through the Duke's good offices, the latter commented, 'I find the man perfectly well disposed and not att all upon ye Halden lay which was what att furst I aprehended'. (3) Clearly the partnership had been short-lived.

The division which arose between the Haldanes and the Duke of Montrose did not lead at once to open hostility, there was a coolness between them rather than an open breach. The Duke urged his Scottish representatives to be on their guard against any further inroads by the Gleneagles family in Stirlingshire rather than actually to work against them. 'Don't mistake me so as to belive that ye family I have mentioned & I are not fair', he wrote, 'we carrie decently & fair but on many acct's it is not proper they gain too much footing'.(3) But it was suspicion of the Haldanes reinforcing his fear of the Duke of Argyle which prompted Montrose to try to improve his position by creating votes in the three counties in which he had most influence, Stirling, Renfrew and Dumbarton.

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1. Montrose to Gorthie, 7 July 1716: GD220/5/9
2. Montrose to Gorthie, 14 January 1718: GD220/5/9
3. Montrose to Gorthie, 8 May 1718: GD220/5/9

The strategic purpose in each case was different. In Dunbartonshire politics were dominated by the Duke of Argyle, but Montrose who was both a major landowner and hereditary Sheriff, felt that some effort should be made to annoy his enemies. Renfrewshire was not one of the Duke of Montrose's political strongholds, but he had a good deal of superiority there and nominal votes would help a friend, Sir Robert Pollock, who 'apprehends that his success may be doubtfull in the case of new Elections'.(1) In Stirlingshire, however, the Duke of Montrose already possessed the leading interest, and by creating several new votes he hoped to preserve his control for, quite apart from the unreliability of the Gleneagles family, there had been a considerable increase in the number of voters in the years after the Rising, partly as a result of the vassals of the rebel lords claiming the right to hold their lands directly from the Crown in the terms of the Clan Act.

The creation of nominal voters became a science during the course of the eighteenth century but in this period it was still in a formative stage, and the resulting qualifications were in fact far less nominal than they were to become as lawyers developed greater expertise in the art of vote making. At this time it was believed by Montrose's doers that good votes could only be made by the outright conveyance of a superiority directly to the voter, who would thenceforth hold his superiority as a heritable possession. Consequently some considerable care was needed when considering the

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1. Montrose to Gorthie, ' 8 December 1719: GD220/5/9

possible recipients of such conveyances, for they had to be absolutely reliable since there was no way of recovering the qualification from the voter. The Duke of Montrose therefore laid down guidelines for the benefit of his commissioners: 'You know my maxim is that I should grant such dispositions to such only as I my self and my family hereafter may have reason to depend upon', he wrote.(1) 'I wish that the votes may be given as much as may be to those of my own name, for my family will allways be surest of their assistance for ye future when others may fail'.(2) Although the lands were fully conveyed to the voter and were held by him free of any obligation to reconvey, it was stipulated that the qualification could only be held by the grantee and his heirs male. In Montrose's opinion 'to give votes to Gentlemen come of my own family is surely right, and that I do not regret, but then I think it necessary to give it only to them and their heirs male, what concern have I in their daughters married to strangers ?....'.(3)

Following the Duke's maxim of restricting the supply of votes to gentlemen of the Graham name, the Duke's doers prepared qualifications for six Grahams; David Graeme of Orchill, John Graham, younger of Killearn, Walter Graeme of Kilmardinny, John Graham of Dougalston, James Graham, Dougalston's brother, and James Graham of Kilmanan. These new qualifications, Killearn's alone excepted, were among seventeen new claims admitted to the Freeholders Roll of the

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1. Montrose to Gorthie, 19 May 1720: GD220/5/9
2. Montrose to Gorthie, 12 May 1720: GD220/5/9
3. Montrose to Gorthie, 29 June 1726: GD220/5/10

county of Stirling at Michaelmas 1720. The Michaelmas Head Court of that year was rather unusual, however, and although it is impossible to see any direct evidence that the meeting was rigged in the interest of the Montrose and Haldane groups, they were the chief beneficiaries, and there were certainly suspicious circumstances.

When the Michaelmas Head Court opened at Stirling on the 5th October 1720 only four freeholders were present, but they proceeded to elect James Graham of Buchlyvie, a gentleman of the Montrose interest, into the chair, and then considered the qualifications of nine of the applicants for enrolment, admitting all of them. This was the normal procedure of a Michaelmas meeting, but at that point matters took an unusual turn, for Buchlyvie adjourned the meeting until eleven o'clock on the following day, when the composition of the court was quite different. On the second day, when the adjourned meeting reconvened, eight freeholders attended, four of them having been enrolled on the previous day, and all of them in the Montrose interest. The meeting then enrolled the five Graham nominal voters, and once again adjourned until five o'clock on the same day, when a further three claimants were admitted to the Roll. The three claimants enrolled at the evening session were Patrick Haldane, a younger brother of Mungo Haldane of Gleneagles the member of parliament for the county, and two followers of the Duke of Argyle, Sir James Campbell of Ardkinglas and Sir James Livingstone of Glentirran.(1)

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What, then, is the explanation of this curious procedure ? At first glance it seems probable that the meeting was managed in this way to ensure the trouble free enrolment of the five Grahams, for John Napier of Culcreuch, an independent freeholder around whom were to gather the barons opposed to the undue influence of the Duke of Montrose, was present at the first meeting on the 5th October but did not appear on the following day. No opposition to the adjournment is recorded in the minutes, but Culcreuch may have left the meeting under the impression that it was over before the adjournment was moved. On the other hand it may well be that the repeated adjournments were simply for the convenience of claimants, and certainly the poor attendance does not point to any great concern among the freeholders to prevent the Graham voters securing enrolment. Another possible explanation of the delay is that this was necessary in order to complete the year following the date of infeftment before the claimants could be enrolled, but this explanation seems less likely in the context of a Head Court when no great political struggle was in progress. Nevertheless, whatever the explanation, the Duke of Montrose had substantially increased his voting strength in Stirlingshire, for several other friends apart from the five nominal voters had been put on the Roll.

The matter of the nominal voters had caused the Duke of Montrose much anxiety and was a regular subject of correspondence even when he accompanied the King to Hanover.(1) Montrose was aware that his position at Court largely depended on his political interest, and he

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1. Andrew Gardner to Mungo Graeme of Gorthie, 19 November 1719:

GD220/5/9

insisted that 'as ye world stands now nothing is reckoned off so much signification as to fix Elections right. Take this as ane Action and you wont be mistaken'.(1) The manufacture of the new votes was a move in the direction of 'fixing the election right', but it was only a start, and the Montrose interest did not relax their efforts to add to their strength, particularly as any attempt by a great nobleman to manufacture qualifications was certain to cause resentment among the freeholders unless great care was taken to prevent them from feeling slighted and ignored.

In Scottish politics at this period clan sentiment was far from dead. Many examples could be cited of families who tended to act together, including the Grahams,(2) but one problem to which the Duke of Montrose gave some thought was how to break the consistent hostility of the Buchanans. This opposition appears to stem from that clan's dislike of the acquisition by the Duke of the lands formerly possessed by the Laird of Buchanan, the chief of that name, and their hostility had serious political consequences in both Dunbartonshire and Stirlingshire where there were always several Buchanan freeholders. In the case of Dunbartonshire it would not be unreasonable to suggest that the Duke of Argyle's control of that county depended upon the continuance of that antipathy, and in the county of Stirling, although relatively less important, the four Buchanan voters were worth making

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1. Montrose to Gorthie, 12 January 1720: GD220/5/9

2. Family loyalty was expected not only in the Highlands and the regions bordering them, for example, the Earl of Rothes in a letter dated 7 December 1714 writes: 'Argyle's agents did write in plain terms to one Mr. Campbell who has been very zealous for my Interest in St. Andrews, That tho he should be engag'd to me, yett all these Considerations should give place to the Interest of his Chief'.
GD220/5/18

an attempt to secure. Accordingly Montrose urged that an approach should be made to the Laird of Drummakil, the most influential of the Buchanan freeholders:

'You know the Character of the Laird of Drummakil and are not ignorant of his disposition wt regard to me', he wrote. 'I have reallie abstracted from that no good opinion of the man, but he's a stirring fellow and If he could be brought about might be usefull in severall respects, in the furst place it would break the knot of the Buchanans and in the nixt, If he was gaind he might upon some occasions be usefull both in Stirling Shire and Dumbarton.....'.(1)

The approach however was unsuccessful, and Drummakil and the three other Buchanan gentlemen voted against the Duke's interest at the Stirlingshire election of 1722.

By the summer of 1720 it seemed increasingly likely that the parliament would soon be dissolved, and the Duke of Montrose in company with Mungo Haldane of Gleneagles toured the counties of Stirling and Dumbarton in order to call on the freeholders,(2)for in spite of some doubt about the reliability of Gleneagles the Duke still intended to co-operate with him as he had done in 1715. But by the following summer circumstances had altered this plan, and the Duke prepared to drop Gleneagles in Stirlingshire, although he was prepared to continue to give Haldane his assistance if the latter would agree to contest Dumbartonshire. Probably this decision was precipitated by the situation in London in the aftermath of the South Sea Bubble, for the newly dominant Robert Walpole had begun to look favourably on the pretensions of the Duke of Argyle, who had

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1. Montrose to Gorthie, 20 July 1720: GD220/5/9

2. Montrose to Gorthie, 30 July 1720: GD220/5/9



been out of office since the year 1716. Walpole turned to Argyle without breaking with the Squadrone politicians, intending to use both factions if he could, but in this he deluded himself. Montrose had no doubt that this situation could not last, and was fully convinced that unless the English Ministers eyes were opened Argyle would have everything in Scotland in his hands before three months had passed. In these circumstances it would be extremely hazardous for the Duke of Montrose to support Gleneagles in Stirlingshire, for he had no personal loyalty to Montrose and would support the Ministers in power, and this might very possibly be Argyle in Scotland. Dunbartonshire, on the other hand, was in the hands of the family of Argyle, and if Gleneagles could be induced to oppose Argyle's candidate in that county he would be forced to remain attached to the Duke of Montrose for lack of an alternative ally. (1)

In July 1721 a potential opponent of the Montrose interest, John Napier of Culcreuch, made his first move; he had 'waited of Duke Hamilton when he was at Stirling and had desired his Graces assistance which he had promised him'. (2) Montrose was not alarmed by Hamilton's influence, 'sure that can't goe farr', he declared, but any possible opposition made it imperative to decide on a candidate for the Montrose interest. The Duke naturally discussed the question with those friends who were in his confidence, but he did not at that stage consider it advisable to inform Gleneagles of his plans. 'I can by no means agree wt you that its att all proper I should clear matters now wt Mr. Hal(dane) and propose his standing for Dumb(artonsshire)

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1. Montrose to Gorthie, 13 July 1721: GD220/5/8

2. Montrose to Gorthie, 22 July 1721: GD220/5/8

he wrote, 'the consequence of which I'm affrayd would infallablie be his strikeing out and makeing up wt D(uke) A(rgyle) and by that means both Shires might come to be lost, but rather even jog on in the way we are a little'.(1)

The Duke of Montrose regarded the Stirlingshire election as vital to his interest in Scotland, and a defeat there would materially reduce his standing in London. Montrose was not an enthusiastic seeker of high office, but he liked to be at the centre of power which obliged him to take more interest in politics than he would otherwise have done, and his influence was centred in Stirlingshire. 'I don't see that any one point can affect my reall interest in Scotland more substantiallie than the success of that affair', he declared. 'If I'm disapointed in that I know what ye world may think, and wt reason, nor shall I blame people for saying what they think fitt if I'm disapointed'.(2) Montrose therefore instructed his agents to use every means in their power to secure the promises of the Stirlingshire freeholders for a candidate to be named by himself, and, if possible, to secure the Dunbartonshire freeholders for Gleneagles. But the re-election of Gleneagles for Stirlingshire was definitely unacceptable. 'I tell you planely he shall never come into Stirl. Shire wt my good will', the Duke insisted, 'for I lay it down as a maxim, and I dare say shall every day have stronger reasons for believeing myself to be right, that one sure friend is of more significance than the name of four or five'.(2) Gleneagles, in short, was

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1. Montrose to Gorthie, 29 July 1721: GD220/5/8

2. Montrose to Gorthie, 28 September 1721: GD220/5/8

not trusted, for the Duke believed that if he were again returned for Stirlingshire there was a strong possibility that he might be persuaded to join the Duke of Argyle. Gleneagles, moreover, was far from popular in Stirlingshire, and there was a chance that he might be defeated by John Napier of Culcreuch.

The Duke instructed his agents that the Stirlingshire freeholders should be secured if possible while Haldane was absent from the area, so that he could be presented with a fait accompli, which 'will be the only means to make Mungo jump in to the proposal I shall make to him when the proper time comes'.⁽¹⁾ The proposal, that Gleneagles should stand for Dunbartonshire, had several advantages from the point of view of the Montrose interest. In the first place it would enable a sure friend to be chosen for Stirlingshire, and secondly, if Gleneagles could be brought to oppose John Campbell of Mamore, the candidate of the Duke of Argyle, this would prevent any dangerous alliance between the Haldanes and the Campbells. But the scheme had few attractions for Gleneagles, and he was unlikely to join it willingly, which is the explanation of the early canvassing by the Montrose party.

Montrose's agents were constantly urged to greater efforts in order to gain this point before Haldane could intervene; they 'ought never to rest secure But from time to time to be visiting the

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1. Montrose to Gorthie, 13 July 1721: GD220/5/8

'Gentlemen and keeping them to a point'.(1) An early start was always useful in a contested election in any case, and in the summer of 1721 there was a distinct possibility that three candidates might be in the field. The Duke's friends accordingly were advised to make as many visits as they possibly could, 'for payeing that civility and talkeing wt them before the time of hurry comes when every body is redeing about will have a much better effect than possibly it can have some time hence'.(2)

Before the end of the year 1721 it was clear that the General Election would take place without the Government coming to a decision on Scottish politics. There was to be no Court party in Scotland, with all the electoral advantage which this position entailed. The Squadrone had unsuccessfully urged the leading Ministers to break with Argyle and rely entirely on the Squadrone politicians, who believed that they could carry the Scottish elections with the help of Tory friends.

'You must know then that of late some of yr acquaintances and particularly yr friend has had occasion to have frequent and full conversations wt ye Minis(tr)y upon the subject of ye insueing election', Gorthie was told. 'It has been told them that if they would act a right and a sure part the true method would be to free themselves of A(rgy)le att once.....& you cant but be sensible that its verie easie to be done by the thorow understanding yr freinds have wt Ab(erdee)n, who can dispose his freinds in Scotd. to act agst Arg(y)le allowing them some share in ye nomination, but in short that is not ye game. The ugly old one must be playd over again, a jumble of all wt out either dropping ye Sq. or Arg(y)le.....'.(1)

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1. Montrose to Gorthie, 21 November 1721; GD220/5/8

Notwithstanding the renewed influence of the Duke of Argyle, the Squadrone politicians succeeded in obtaining a share of Government patronage, and the pessimistic predictions of the Duke of Montrose proved unfounded. Montrose could normally count on securing posts in the Customs and Excise services in the area where his influence lay, providing the vacancy was notified to him in London in time to enable application to be made before his rivals.(1) The available patronage was employed to make interest in view of the forthcoming elections, but there was no question of wholesale bribery of electors. The Scottish electorates were small, but so was the flow of patronage. Not only was the available patronage in west-central Scotland shared between the Dukes of Montrose and Argyle, but what little patronage reached Montrose had to be spread over all the constituencies where he had an interest, in particular the counties of Stirling, Renfrew and Dumbarton, and the Glasgow District of Burghs, although the Duke also took part in the politics of Perthshire, Lanarkshire, and the Stirling District of Burghs as well. It is in fact remarkable how little patronage sufficed to keep the Duke of Montrose's interest alive, for his private patronage was severely restricted as a result of the heavy losses incurred by the Duke in South Sea speculation, aggravated by the default of one of his factor's, perhaps from the same cause. The revenues of the Montrose estates were still further reduced at this time by the inroads of Rob Roy in pursuit of his personal feud with the Duke, who was inhibited from effective retaliation by considerations of personal prestige.(2)

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1. Montrose to Gorthie, 21 November 1721: 'All depends upon early intelligence, which if you can give me I beleive I shall be pretty certain of the success of my applications..'.GD220/5/8
2. Montrose to Gorthie, 2 December 1721: GD220/5/8

By December 1721 it was fully time to reach an understanding with Mungo Haldane of Gleneagles, and an ingenious plan was adopted by the Montrose interest to persuade Gleneagles to acquiesce in the arrangement planned for him. Letters from important Stirlingshire freeholders were sent to the Duke at London, in which the gentlemen expressed all possible regard for Montrose and his interest while declaring their dissatisfaction with their representative. These letters, of course, were written by the barons at the instigation of Montrose's friends in Scotland with the object of hurrying the Laird of Gleneagles into acceptance of all the Duke's arrangements. Nevertheless, the initial approach was not made to Gleneagles, who might have made some difficulty about standing down on account of a few letters, but to one of his younger brothers, Patrick Haldane. Patrick Haldane was a determined place hunter, who believed that he had just secured appointment as a Lord of Session through the good offices of Montrose and his friends, and consequently it was expected that he would show his gratitude by working on his brother.(1)

The conversation between Montrose and Patrick Haldane was friendly:

'Wee had a long and full Conversation upon the affair of Stirling Shire', the Duke reported. 'He appeared to take all that I said very right and I hope he'll act accordingly, I have reason to beleive he will. I told him.....I found at that time a disinclination in severalls towards his brother who otherways appeared very willing to oblige me, If I would pitch upon another'.(2)

The Duke alleged that in spite of the opposition to Mungo Haldane he had continued to support him until the death of John Haldane, the

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1. Montrose to Gorthie, 5 December 1721: 'I wish you'd procure me the letters you talk of from Airth, Buchlivie & such others as ye think proper & with likewise a letter yr self which I may shew.... and certainly yr thought is right that its much better haveing the interview wt P(atricks) than M(ungo)'. GD220/5/8
 2. Montrose to Gorthie, 9 December 1721: GD220/5/8

late Laird of Gleneagles, when, believing that Mungo would succeed his father in the office of Commissioner of Customs and vacate the seat, he had made his chamberlain John Graham of Killearn set up for the county of Stirling. Opposition to Gleneagles had reached such a pitch, according to the Duke, that:

'I was not to venture a well Establisht family Interest upon a narrow bottom, for that if some Gentlemen once voted agt me It would be difficult to bring them back. That it was therefore the Interest of my family to make the Majority as great as possible. I told him that I had recd some letters from my freinds upon this Subject.....I told him I was farr from proposeing to Cast his brother out of parliat. That he should have my Interest in Dumbarton Shire.....'.(1)

Since Patrick Haldane appeared to accept the Duke's arguments, the latter passed on quickly to discuss Mungo Haldane's chances of securing election in Dunbartonshire. All this must have come as something of a shock to Patrick Haldane, but he seemed to take it quietly.

According to Montrose:

'Petter recd all that I said very Civilly, Nay seem'd to Enter into my reasons and said that for himself he would not differ wt me in my measures, That he could not answer for another, But thought he was pretty sure and Confident that his brother would doe the same, and that he would stand for Dumbarton Shire if there was a probability of success.....'.(2)

The interview with Patrick Haldane was followed up by a letter to Mungo Haldane, who was, after all, the man chiefly concerned. The letter, which was entrusted to Patrick Haldane to carry with him to Scotland when he travelled north to take his place in the Court of Session, told essentially the same story as that which the Duke had imposed upon Patrick:

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1. Montrose to Gorthie, 9 December 1721: GD220/5/8

2. Montrose to Gorthie, 19 December 1721: GD220/5/8

'Some of my friends have wrote to me that tho their inclinations will determin them upon all occasions to express the regard they profess to have for me and my family yet they can not but acquaint me that it will be a hard pull to carrie you', Gleneagles was told. 'Whereas if one of my own family sett up the Election would in all apearance go easie.....the case being now as I have stated it I hope you won't think it att all strange that the regard I'm bound to have for the interest of my family oblidges me to do what may establish it wt out running the risque of loosing footing there, when att the same time you can certainly come into Parlt. for Dunbarton Shire by our continueing to act in a firm & friendly concert....'.(1)

This then was the situation at Christmas 1721; Mungo Haldane of Gleneagles was to be dropped by the Montrose interest in the county of Stirling, but he would be supported if he chose to stand for the neighbouring county of Dunbarton, where Gleneagles was also a baron. But before the position could be resolved, the Duke of Montrose proceeded to add a fresh complication to an already difficult problem by considering starting a new candidate for Stirlingshire in place of John Graham of Killearn who had first been suggested. The new man was James Graham of Airth, a well-known advocate and judge of the Court of Admiralty of Scotland. At first glance Airth seems a strange choice, for he was a Tory 'remarkable for his zeal in espouseing the interest of such as were obnoxious to the government since the late Rebellion,(2) but it must be remembered that the Squadrone hoped to use the Scottish Tories to assist them against Argyle, and Airth was a friend of the Earl of Aberdeen, the Tory chiefly associated with the Squadrone. The Duke certainly was keen for Airth to stand, and produced at least one good reason in favour of his decision by pointing out that the Squadrone were very short

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1. Montrose to Mungo Haldane of Gleneagles, 24 December 1721
(Copy) GD220/5/8
2. Montrose to Gorthie, 2 January 1722: GD220/5/8

of competent lawyers in the House of Commons:

'We are to have a new Parlt and of consequence many disputable Elections', he wrote, 'if we have not friends in the H. of Commons who can apear and sett us right in the points of law, we shall be cut down even suppose the returns were generallie for us. D(uncan) Forbs if he has not a man of his own preffession to answer him shall make law, and members of Parlt. In short, if Mr. Graham and the Advocat are chosen we shall have fair play enough, but if we have no men of letters there suppose we had 40 of the 45 we shall be runn to a Bay upon all occasions'.(1)

The project of bringing Airth into Parliament had a great deal to recommend it; it would help to attach the Tories to the Squadrone and the plan was approved by Lord Sunderland,(2) but there was one insuperable difficulty, for Airth refused to stand. Probably Airth's reluctance is to be attributed to his reluctance to interrupt a successful career at the Scottish bar, and he persisted in his refusal even after he had been assured that he would not have long to wait for judicial preferment.(2) Airth's refusal placed the Montrose interest in Stirlingshire in great danger, and letters passed back and forth between London and Edinburgh in an attempt to resolve the problem, for until the candidate of the Montrose party came forward the field was left clear for John Napier of Culcreuch, who made the most of this unexpected advantage. As the election approached it became more and more difficult to ask the freeholders to hold their votes for a candidate yet to be named, and Montrose's attitude began to appear as, at best, lacking in consideration for the gentlemen, or even to seem like outright dictation.

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1. Montrose to Gorthie, 2 January 1722: GD220/5/8

2. Montrose to Gorthie, 27 January 1722: GD220/5/8

John Graham of Killearn, the first candidate considered by the Montrose interest, had been no obstacle to the plan of setting up James Graham of Airth, for Killearn was the Duke's chamberlain and had no real desire for a political career, having only consented to stand in order to oblige his employer and chief.(1) After learning of Montrose's intentions, Mungo Haldane of Gleneagles agreed to stand by the Duke in both Stirlingshire and Dunbartonshire, although he hesitated to come forward openly as a candidate for Dunbartonshire. The reason for Gleneagles' acquiescence was almost certainly pressure from his brother Patrick Haldane, who had discovered on his arrival in Edinburgh that his appointment to the Court of Session was not to proceed automatically.(2) The Court, whose members seem to have detested Haldane, seized upon legal quibbles to justify their refusal to comply with the royal presentation. This began a severe and prolonged struggle which extended considerably beyond the date of the General Election of 1722, but until that election it had a considerable effect on Scottish politics. For the moment, however, Patrick Haldane's situation made him the Duke of Montrose's ally, which left the nomination of a candidate in the Duke's hands, and in the circumstances there was no alternative but to fall back on John Graham of Killearn.

At first Montrose had no doubt that Haldane would soon be installed in the Court of Session. 'You and my other friends in

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1. Montrose to Gorthie, 2 January 1722: 'I belive Killearn has no fondness for being chosen funder than to oblige me because I put it upon him....'. GD220/5/8
2. Montrose to Gorthie, 4 January 1722: 'I am very well pleased to find That both the brothers are firmly resolved to stand by my Interest in both Shires...'. GD220/5/8

'Scotland must allow me to say, That upon this occasion You appear to be much more alarmed then theres reason for', he wrote. 'Can you think That any about the K(ing) will suffer his prerogative to be diminished by a quible upon the Law' ? If the Court of Session did not come to their senses and reverse their decision on a reclaiming petition it would come to an appeal to the House of Lords, where, insisted the Duke, the judges would find 'neither Whiggs nor Torys I hope to support them'.(1) In the event this optimism was unjustified, but it was entirely understandable. There is no need to follow the course of Patrick Haldane's case beyond its immediate political consequences, which was its use by the Argathelians and the Squadrone as a means of showing their influence, but in this respect it played an important part in the election of 1722.

'I know it is not words, but deeds & plane proofs that must satisfie people att a distance.....that yr friends will have more to say than they have had of late....but if you see P(atricks) Hal(dane's) affair carried wt a swing won't that be taken as one sure argument', asked Montrose, adding hopefully, 'You may depend upon (it) that will go off as you wish, wt this additionall circumstance that ye opposition made recoils reallie upon the persons who made it in such a manner as they won't recover it easilie, especiallie att this criticall juncture'.(2)

Montrose was encouraged to make the most of the issue as a means of showing the power of the Squadrone by the fact that 'the King looks upon his prerogative as struck at, and all his Ministers take it in this view, they have all the just resentment that one could wish agst such as have blowen the coall upon this occasion'. (3) Unfortunately, after making the issue a means of showing the

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1. Montrose to Gorthie, 4 and 6 January 1722: GD220/5/8
2. Montrose to Gorthie, 11 January 1722: GD220/5/8
3. Montrose to Gorthie, 15 January 1722: GD220/5/8

the power of the Squadrone, the affair was delayed week after week while the English law officers attempted to find a way out of the dilemma caused by the refusal of the Court of Session to hear Mr. Haldane state his case, thus preventing further action since the House of Lords was an appeal court not a court of first instance.

(1) This delay had an unfortunate effect, for the ordinary freeholder could only judge from superficial appearances, and the fact appeared to be that a gentleman who was opposed by the Duke of Argyle could not be seated on the bench of the Court of Session.

Doubts about the influence possessed by the Duke of Montrose and his friends resulting from Patrick Haldane's case had a serious effect on his interest in Stirlingshire upon which so much care had been lavished. There were always freeholders who needed the patronage of a man with the ear of Government in order to provide for their families, and 1722 was no exception. John McLauchlane of Auchintroig, a freeholder in the county, had sons to provide for, and would support any man who seemed likely to be able to help him. Government patronage was in short supply as always, and Montrose, who was a very amateurish politician, when approached by Auchintroig declined to give promises which he might not be able to keep. 'All I Can say is that if he flyes of He'll never find his account by it, whereas a litle time may perhaps produce some opportunity in his favours', (2) was the best answer the Duke could give. Clearly honesty is a serious disadvantage to a politician, for any uncertainty concerning the

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1. Montrose to Gorthie, 1 February 1722: 'As the matter now stands, for its impossible to offer the appeal.....I think there is but one way left to mentain the prerogative of the Croun and that is by a short act of Parlt. GD220/5/8

2. Montrose to Gorthie, ' 8 February 1722; GD220/5/8

the Duke's influence would make this seem a very slender hope indeed for a poor man with a needy family.

Alexander Monro of Auchenbowie was another Stirlingshire baron whom Montrose would have difficulty in holding should his influence appear to be on the wane. This gentleman had formerly enjoyed a civil list pension, but this had been discontinued by Sir Robert Walpole when he became First Lord of the Treasury and the pension was due for renewal. When the Duke took up the point with Walpole he got little satisfaction. 'Mr. Walpole was very Civill and frank But he told me that I could not but be as sensible as he was That there was an absolute necessity of putting some period to Grants and pensions since the Current Charge upon the Civill List Exceeded vastly the fund'.⁽¹⁾ Montrose was not to be put off, however, and told Sir Robert that he 'was very sensible of the reason of what he said and thank't him for his kindness, But withall told him that it would really Cramp me a good deall if he could not Accomodat me in the matter'.⁽¹⁾ But the Duke might have spared his breath, for Walpole was adamant in his refusal to renew the pension, although he promised to see what could be done for Auchenbowie at some future date. Once again, therefore, Montrose had been unable to satisfy a friend who had asked for his assistance, and he was fully aware of the danger to which such failures exposed him. The Duke's Scottish agents were urged to try to hold Auchenbowie, who was believed to be 'ready enough to fling out by the influence of my Lord Bute and his Lady's freinds have wt him. If he should at

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1. Montrose to Gorthie, 27 January 1722: GD220/5/8

'this time he'll injure himself and absolutely ruine his pretensions. Those folk will give him large promises which they neither can nor intend to perform, if he bite, I quite him.....Whereas other-ways you see, if he keep by me, he has very good reason to beleive that he will be taken care of'.(1) Auchenbowie, therefore, was expected to stand by the interest which he had hitherto supported in the hope that sometime something might be done for him, but he would not be likely to do so if he had any doubt of the Duke's ability to take care of him, and Montrose did not dare to let the laird know the full extent of his failure, and that Walpole had promised nothing.(2)

Mungo Haldane of Gleneagles had shown great reluctance to declare his intention of contesting Dunbartonshire, probably because he did not relish the expence involved in contesting a constituency for the first time, but there is a possible alternative explanation of his hesitation. Another brother of Gleneagles, James Haldane, while paying a visit to the Duke of Montrose, complained of his brother's conduct, and remarked that "nothing can be more out of the road than my brother M(ungo's) way of reasoning, for his reason for not standing for D(unbartonshire) is because he won't personally disoblidge D(uke) of A(rgyle)".(3) This remark seemed to confirm Montrose's long standing suspicion of Gleneagles (4) and he urged his friends to stop pressing Gleneagles to set up for the

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1. Montrose to Gorthie, 27 January 1722: GD220/5/8
2. Montrose to Gorthie, 27 January 1722: 'I dare not to him state the matter exactly as it is...'. GD220/5/8
3. Montrose to Gorthie, 14 February 1722: GD220/5/8
4. Montrose to Gorthie, 14 February 1722: 'I do confess that familys constant practice of makeing court to all mankind has been of a long time a strong objection wt me agst them...'.GD220/5/8

county of Dumbarton:

'I hope they cant hurt me in Stirl.Shire, and as for Dunb. Its better to be bate by a knownemie than a false friend....If Mungo has (before this comes to yr hands) declar'd that he'll stand, to be sure I can not nor will not go back, he must stand on, but if he hesitates press him no more and let us have ane other. I don't know why I'm to make court to such a man, who will fail me when ever occasion offers'.(1)

Montrose was well advised to distrust the Haldanes, but in all fairness they had little to thank the Duke for, and had no obligation to serve the Duke to the detriment of their own interest. The Duke quickly recovered his usual optimism, however, after he had received another letter from his friend Gorthie, who assured him that Gleneagles difficulty was financial rather than a hesitation to offend Argyle. Gleneagles could not bring himself to embark upon an expensive campaign in Dunbartonshire and still looked back with longing towards his old constituency. 'I find planely Stirl.Shire runns in his head', wrote Montrose, 'but I'll never agree to sett up ane uncertain man there.....for God's sake no more of this matter, I'm fixt, & dont let me runn any risques by further delays, I'm affrayd we have sat in our own light too long'.(1) Reluctantly Mungo Haldane of Gleneagles complied with the Duke's wishes, and in the middle of February 1722 'firmly declared his resolution of standing for D(unbarton)', (2) which cleared him from the field in Stirlingshire leaving two candidates, John Napier of Culcreuch and John Graham of Killearn.

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1. Montrose to Gorthie, 14 February 1722: GD220/5/8

2. Montrose to Gorthie, 24 February 1722: GD220/5/8

Having cleared Gleneagles out of the way, the next step in Montrose's election strategy was to change the returning officer, the Sheriff-depute of Stirlingshire. The Sheriff-depute holding office in February 1722, Mr. Martin, only had a commission pro tempore, (1) and it was though advisable to replace him by another gentleman of the name, John Graham of Dougalston, who was sure to hesitate at nothing which might promote Montrose's interest. Dougalston was urged to take possession of his office without delay since 'it will have a much better air that he does it now than just before the Election'. (2)

The Duke of Montrose was unable to be in Scotland during the election campaign of 1722, but the usual electioneering methods were employed. The Duke's friends carried out extensive tours of the district in order to keep the freeholders firm to their promises, while the Duke supported their efforts by a stream of letters directed to both the friendly and the uncertain voters. John Napier of Culcreuch was also hard at work up to the day of the election, and he met with some encouragement, for he, like the former member, Gleneagles, was an independent gentleman, whereas John Graham of Killearn was clearly a dependant of Montrose, being both his vassal and his employee.

When the freeholders met at Stirling to elect their representative in April 1722 the Montrose interest found themselves with a narrow majority of three votes when the meeting elected their preses

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1. Montrose to Gorthie, 8 February 1722: 'You are certainly in the right that Mr. Martin is not a proper man to remain Sheriff deputhis Commission is but pro tempore...'. GD220/5/8
2. Montrose to Gorthie, 25 February 1722: GD220/5/8

and clerk. One piece of evidence which can never be taken at its face value is an election petition, and that submitted by the defeated candidate, John Napier, was no exception to that general rule. Napier alleged in the first place that his rival Killearn, 'with the assistance of the Sheriff Depute, took upon them to admit Ten Gentlemen to vote for Clerk and Preses, who were not formerly inrolled, nor had voted at any former Election; which practice is contrary to Law, by an Act 12 Anne'.⁽¹⁾ This statement is not supported by the minutes of the meeting, which, while not an infallible authority, must be considered as more reliable than the loser's petition. In the minutes the vote for preses is stated as seventeen to fourteen in favour of Mungo Haldane of Gleneagles, the candidate of Killearn's party. Napier's case appears to rest on a misinterpretation of the electoral law, for his assumption, that no freeholder could vote for the preses or clerk unless he had voted at a previous election, is without legal foundation, for those enrolled at a Michaelmas Head Court were equally entitled to vote on every question. Obviously Napier had in mind the five Graham nominal voters enrolled at Michaelmas 1720, but they had been on the Roll since that date without objection and were, therefore, fully entitled to vote. Moreover, even if Napier's assertion were correct, it would still have been of no use to him, for he would still have lost the vote. Seventeen freeholders voted for the Laird of Gleneagles to be preses, of whom nine had been put on

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1. 'Petition of John Napier Esquire'. Journal of the House of Commons, 13 November 1724: vol.20, p.334.

the Roll since the election of 1715, but six of Napier's fourteen voters had also been enrolled at Michaelmas Head Courts, so that the vote would have been eight against eight, and Mungo Haldane would have elected himself preses by his casting vote as the last elected member of parliament. Clearly Killearn's friends carried the election of the preses, and this was usually the decisive move in an election meeting.

The second part of Napier's petition appears to be more factual, however, for Mungo Haldane, as preses, made no pretence of impartiality. The petition states:

'That they, having thus arbitrarily constituted the Meeting, rejected the Rights of several Freeholders, who would have voted for the Petitioner, and sustained others, against whose Votes legal Objections were offered; some of which (the most material) the Sheriff Clerk refused to insert in the Minutes....'.(1)

Leaving aside the question of the Clerk's alleged refusal to insert stated objections in the minutes, although this may be true,(2) the minutes give a fairly full account of the claims and counterclaims.

Sixteen claimants appeared at the election meeting, eight of whom were in the interest of Killearn (he was himself one), six in the interest of John Napier of Culcreuch, and two did not support either candidate. Having broken down the claims into these heads, it will be necessary to consider the objections as stated in the minutes, ignoring the two neutral freeholders who were enrolled without difficulty. Of Killearn's eight, objections were made to

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1. Journal of the House of Commons, vol.20, p.334, and Freeholders Minutes SC67/59/1/36-51

2. John Graham of Killearn to Gorthie, 1 January 1723: 'I desyre you'll speak with Mr.Graham.....anent the Institute taken agte me in Mr.Thomas Buchanan's hands at the Election It is not in the minutes.....'. GD220/5/8

three, and four of Napier's six friends were also opposed. The fact that no objection was sustained against a friend of Killearn is only a reflection of the balance of parties at the meeting, but two of Napier's friends were also admitted after the objections made to their qualifications had been repelled, which would seem to show the strength of independent opinion among the freeholders.

Nevertheless, even if there is some reason to believe that the freeholders were not completely partisan in their voting, it is likely that at least two of Killearn's voters who were sustained by the meeting had poor qualifications. The voters in question, Brigadier-General George Preston of Valleyfield and his son, also called George Preston, produced insufficient evidence to support their claims. The Brigadier was enrolled for lands valued at £410, and produced a certificate signed by three Commissioners of Supply declaring this to be the valuation. Such certificates were the normal evidence of valuation, but there is certainly something in the objection made by Sir James Campbell of Ardkinglas, 'that it renders the thing very suspicious that the extent of the valuation has never been attempted to be made appear till after the test of the writ and 2 days before the Election'.(1) Ardkinglas called for the Books of Supply in order to clear the matter, but he was answered by James Graham of Airth, the Tory advocate, that a certificate was all the evidence required, and this had been produced. Airth added, correctly, that the Books of Supply were in the custody of the Clerk and Collector of Supply, and that the freeholders had no

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right to demand their production. Airth no doubt had the best of the argument with regard to the Brigadier's claim, but there is no doubt of the illegality of the younger George Preston's enrolment. Preston claimed enrolment for the fifteen oxengates of land of the Halls of Airth, but he produced no evidence at all of the extent, and he was further alleged to be a minor. Preston's lawyer asserted that four oxengates of land were equivalent to a twenty shilling land of old extent, and consequently concluded that fifteen oxengates was much more than the forty shilling land of old extent required by the Act of 1681 as the foundation of a qualification. This, however, was no proof at all, since old extent could only be established by a retour, and definitely not by some private calculus. Even if the question of minority is ignored, for no evidence of this was offered, it is clear that the freeholders were wrong to enroll the younger Preston, but it may not have been wilfully done, for they could easily have lost track of the arguments.(1)

An objection was stated to the qualification of James Bruce of Powfoulis, another supporter of Killearn, who claimed a vote as the apparent heir of his father of the same name. In this case it was alleged that the father had not held his lands from the Crown but as the vassal of Lord Elphinstone, and the objectors produced a sasine of the superiority of Powfoulis's lands in the name of Lord Elphinstone, dated in the year 1670. There may have been something in this objection, for Bruce produced no documents to support his claim, but

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there was no doubt that the father had stood on the Roll of electors, and it was answered that a sasine was no proof by the law of Scotland being only the assertion of a notary, and his claim was not only sustained on this occasion, Bruce remained on the Roll until his death in 1747.(1)

The first objection stated to a Napier voter, Sir George Dunbar of Mochrum, can be quickly dismissed. Although the objection was almost certainly good in law, the more pragmatic approach of the freeholders put little store in legal quibbles and a good deal in common sense. Sir George was one of three heirs-portioners of the lands of Carnock, but he was separately infeft in his portion and paid cess conform to a valuation of £1100 Scots. No certificate of valuation was produced which technically nullified the claim, but the freeholders knew perfectly well that the lands were valued at considerably more than the £400 Scots required for a vote, and dismissed the objection. Evidently the freeholder majority was not looking for ways to keep all of their enemies out of the Roll.(2)

The first claimant in Napier's interest to be rejected, Ludovick Callander, did not have a good claim. Callander had been a vassal of the forfeited Earl of Linlithgow and there was some doubt whether he had complied with the terms of the Clan Act in order to acquire the right to the superiority of his own estate. But even if he had such a right Callander's lands were not valued at £400, as he himself

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1. Freeholders Minutes SC67/59/1/40-1

2. Freeholders Minutes SC67/59/1/37-8

admitted, for he claimed that his lands constituted a five pound land of old extent. No retour was produced, however, and the laird's attempt to prove old extent by a charter was worthless. (1)

The remaining objections were made to the votes exercised in the name of corporate bodies, the City of Edinburgh in name of Trinity Hospital, and Cowan's Hospital at Stirling. Alexander Glass, writer to the signet, appeared as commissioner from the town council of Edinburgh as superior of the lands of Rollo of Powhouse. The objection stated was threefold, and difficult to answer; first, the City of Edinburgh was already represented in Parliament; secondly, no person or community had a right to representation in more than one estate; and thirdly, no baron could vote by proxy, and Glass, who was not a member of the town council of Edinburgh, could hardly claim to be in possession of the freehold. This claim found little support among the Stirlingshire lairds, and 'It carried by a great plurality not to inroll' the commissioner from Edinburgh.(2) The Edinburgh claim has some analogy to that of Cowan's Hospital, but the two were not identical. Bailie James Littlejohn of Stirling, one of the masters of the Hospital, produced his commission as master, which had been granted by the town council of Stirling as patrons, and asked to be enrolled. Once again it was objected that the claimant was a proxy rather than a baron, but the Bailie, unlike Glass, had precedent on his side, for the vote of Cowan's Hospital had been sustained in the past. The lands of the Hospital obviously did

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1. Freeholders Minutes SC67/59/1/41-2

2. Freeholders Minutes SC67/59/1/44

not belong to Bailie Littlejohn, but, on the other hand, they were the property of the Hospital as distinct from the burgh of Stirling and therefore could not be said to be represented in Parliament by the burgh member. Accordingly the vote of Cowan's Hospital was sustained, but the master was instructed to produce what documents he could find to support the Hospital's rights at the next Michaelmas Head Court. On the evidence of the minutes, therefore, there does not appear to have been any very partisan behaviour on the part of the freeholders determining the enrolments.(1)

Having concluded the enrolments an election meeting normally proceeded to choose their representative, but on this occasion there was some delay, for Sir James Campbell of Ardkinglas raised another question, that of the five Graham voters enrolled at Michaelmas 1720. The reason given by Ardkinglas for his protest was that 'they were not enrolled upon the day of the Court but two days after or thereby, The Court being adjourned contrair to law for that purpose, Nor does it appear that any of the aforementioned gentlemen are in possession'. (2) The question of the adjournment of the Head Court and the doubt which this casts on the legality of the proceedings has already been considered,(3) but whether or not such an adjournment was illegal, and the point is uncertain, no opposition was made to their enrolment either then or later. The Grahams, moreover, were not the only freeholders to be enrolled at the adjourned meeting, and among them

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1. Freeholders Minutes SC67/59/1/44
2. Freeholders Minutes SC67/59/1/46
3. See pp.47 -49

was Sir James Campbell of Ardkinglas. Consequently Ardkinglas's own vote depended upon the right of the Head Court to adjourn, and this was the heart of the objection, for the Grahams, although nominal voters, were in possession to the degree required by law.

The Napier faction objected to the votes of another three friends of Killearn, Sir Harry Rollo, David Forrester of Culmore, and James Forsyth of Garvall, in each case because of an alleged change of circumstance since they had been put on the Roll. It was claimed that all of them were divested, in whole or in part, of the lands upon which they were qualified. The Graham party, for their part, countered these objections with similar charges against two of their opponents, Robert Elphinstone of Quarrol and John Buchanan of Carbeth. All of these objections share one characteristic, no evidence was offered to support the simple assertion of the objector, and their only real purpose was to constitute the groundwork for a possible legal argument before a House of Commons committee or the Court of Session, there was no question of the meeting refusing the votes of any of the gentlemen against whom such objections were made. (1)

Sir James Campbell of Ardkinglas had distinguished himself as one of the more outspoken partisans of John Napier, and naturally the Graham party did not neglect him. It was objected that Ardkinglas did not hold his lands directly from the Crown, and that he had been the vassal either of the late Earl of Mar or of his son Thomas Erskine. If Ardkinglas had held his lands from Mar he was entitled

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to vote, for he had claimed his superiority within six months of the Earl's attainder, but there was some question of Mar's right to the superiority. The Graham party alleged that Ardkinglas's lands in Stirlingshire, the twenty merk land of Gargunnoch, had been held from Lord Erskine rather than from the Earl. Thomas, Lord Erskine, had not been forfeited for rebellion, and his pretensions were still in dependence before the courts, and it might be proved that he was still the superior of Gargunnoch. This objection, however, like the objections based on change of circumstance, was designed to prepare the ground for possible legal action at a later date, and there was no question of the freeholders refusing Sir James Campbell's vote. (1) Thus, in spite of a heated contest, there does not appear to be evidence of openly illegal activity on the part of the dominant party, and there seems to be no justification for the allegations made by John Napier in his election petition, which he seems to acknowledge by withdrawing it before any decision had been reached by the House of Commons Committee of Privileges and Elections.(2)

All objections having been heard, the meeting then passed to the main business of the day, the election of the member of parliament. On that question the majority was substantially greater than on the first vote of the day, and John Graham of Killearn was chosen to represent the county by 25 votes to 15. John Napier of Culcreuch lost votes during the meeting, for one of his original fourteen voters, James Galbraith of Balgair, abstained from the final vote,

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1. Freeholders Minutes SC67/59/1/48 *

2. Journal of the House of Commons, vol.20, p.648.

while another, John Callander of Craigforth, went over to Killearn, the difference being made up by three voters enrolled during the meeting.(1) Four of the five Buchanan lairds who voted at the election followed the tradition of their clan and went against the Duke of Montrose, but apart from this group John Napier failed to win the support of any major interest. Napier appears to have hoped to secure the assistance of uncommitted freeholders averse to the domination of the county by a great nobleman, but this support was not obtained. Some influential independent barons joined him, but others did not, as for example, William Stirling of Herbertshire, whom Napier's party had wanted as preses of the meeting, but who nevertheless voted for John Graham of Killearn. The election of 1722 was the high point of the Duke of Montrose's influence in Stirlingshire, and in spite of appearances to the contrary he was never to enjoy such power again. In this election nine Graham gentlemen voted in support of the interest of their chief, thus providing a substantial part of Killearn's 25 votes, but in the long run this mass of Grahams may have been a liability, for it is from this election that the erosion of Montrose's influence in the county must be dated.

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1. Edmonstone of Duntreath, Sir George Dunbar, and Cowan's Hospital, all possessing property lands within the county.
2. Freeholders Minutes SC67/59/1/50-1

(2) The Election of 1727

The years between the General Election of 1722 and the death of King George the first in 1727 were marked by the gradual erosion of the power of the Duke of Montrose in Stirlingshire, and culminated in the Duke's defeat in the first election of the new reign. The principal development contributing to this defeat was the loss of the support of the Haldanes of Gleneagles who joined the Duke of Argyle and his brother, Lord Hay. The prospect of a change of allegiance by the Haldanes could already be foreseen in 1722, but it had so profound an effect on Stirlingshire politics that it deserves to be considered in detail.

In 1722 Mungo Haldane of Gleneagles the head of the family had agreed, however reluctantly, to join the Duke of Montrose in opposition to Colonel John Campbell of Mamore in the Dunbartonshire election. After a fierce struggle Gleneagles was in fact returned as the duly elected member of parliament by the Sheriff-depute of that county, who owed his appointment to the Duke of Montrose, the hereditary Sheriff. Colonel Campbell and the Duke of Argyle were not prepared to accept defeat, however, and just as John Napier had done in the case of the Stirlingshire election, the defeated candidate petitioned against the return. This then is the first element in the story of Gleneagles change of front; the second was the fate of Gleneagles brother, Patrick Haldane, the aspiring Lord of Session,

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whose case was still undetermined when the elections of 1722 were concluded.

Patrick Haldane seemed at first to be making headway with his petition asking for redress against the Court of Session's decision excluding him from their ranks, for on the 5th February 1723 the House of Lords reversed the decree of the Court of Session without a division, 'the Lords of Session being order'd to put Mr. Haldane upon his Tryall according to Law'. (1) Appearances were deceptive however, for when the decree of the House of Lords reversing their decision was presented to the Court of Session, that Court, in effect, defied the Lords to do anything about the matter. The Lord President, Sir Hew Dalrymple, 'represented that Mr. Haldane was not a man of good fame nor of the character required in a judge', (2) and an extraordinary attack was made on Haldane's character by other members of the Court, in which no libel seemed too fantastic to be dragged out and uttered against this unfortunate man.

The Court of Session's obstruction brought virtual stalemate, for they repeated their refusal to accept Haldane as a judge on the ground that the cases which he had heard and determined while on his trial were incorrectly interpreted. The Government found itself at a loss to see what could be done. 'The Proceedings wt relation to Petter Haldane are unprecedented and abominable, and surely deserve the attention of the Crown and of the Legislature Lykewayes',

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1. Montrose to Gorthie, 5 February 1723: GD220/5/8

2. Anon. to Duncan Forbes, 12 February 1723: More Culloden Papers, vol. pp. 224-5

declared Montrose, (1) for the Squadrone were still undismayed and hoped to turn this defiance to their political advantage. (2) The Government, however, decided to abandon the undignified struggle and compensate Haldane with a Commissionership of Excise in England, while making such a clash impossible for the future by an Act of Parliament. Thus Patrick Haldane had no reason to feel grateful to the Squadrone, for his appointment in England was the gift of the English Ministry. The optimism of the Squadrone politicians and of the Duke of Montrose in particular had clearly been demonstrated to be quite unjustified, and the struggle had been attended with such publicity that few people in Scotland could have missed the point.

The Dunbartonshire election case had been making little progress while Patrick Haldane's position was being settled, but the Duke of Montrose had received assurances from Sir Robert Walpole that the Minister would endeavour to persuade John Campbell to drop his petition, and that if the Campbells would not give way the Ministry would stand by Gleneagles. (3) The Government had no desire to wander into the deep waters of a contested Scottish election if they could possibly avoid it, and there is no reason to dispute Killearn's

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1. Montrose to Gorthie, 23 February 1723: GD220/5/8
2. Montrose to Gorthie, 5 March 1723: 'The progress of this affair has been attended wt circumstances by no means to the prejudice of your freinds.....I must own the Inquisition was a greivous and intolerable thing upon the poor gentleman, But can never in my opinion come out to the advantage or Service of the Authors of it....'. GD220/5/8
3. John Graham of Killearn to Gorthie, 25 February 1724: 'My Lord was with the Great Man who.....assured My Lord that if Mr. John did not withdraw he should stand firm by Mungo.....'. GD220/5/8

4. 10 Geo I c. 19 (1723)

opinion that they 'would be very Glad that all that are in should Continou if it were possible to please all parties', (1) and that 'the ministers have noe Inclination to try any of our Elections if they can Shun it'. (2) Unfortunately it was not possible to please all parties. however, and some of the disputed elections had to be heard, for they were disputed between the Squadrone and Argyle. This was not at all to the taste of the Ministry, for they had no desire to make a definite choice between the rival factions and in consequence create a Scottish Minister with far more power and autonomy than the existing Secretary, the Duke of Roxburgh.

The Dunbartonshire election case had still not been heard by the beginning of the year 1724, but in February the Duke of Montrose was beginning to express doubt of a successful outcome, (3) although if the case was not heard by the Committee of Privileges and Elections, Gleneagles, as sitting member, was sure of his seat. In this view the adjournment of the Committee of Elections for the remainder of the session in March 1724 can be seen as a kind of victory. On the other hand, the adjournment can equally be seen as a setback for Montrose and Gleneagles, for after Walpole's undertaking to support the sitting member they had some reason to hope for success in the committee. (4) In the opinion of John Graham of Killearn, the discharge

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1. John Graham of Killearn to Gorthie, 11 January 1724: GD220/5/8
2. Killearn to Gorthie, 21 January 1724: GD220/5/8
3. Montrose to Gorthie, 21 February 1724: 'I hope the promises made me that Mr. Jo. Camp. petition shall be wt drawn shall be kept, sure they were frankly made, the proof of the Puding, they say, is the eating, we shall soon see how that matter comes out...'. GD220/5/8
4. Montrose to Gorthie, 21 February 1724: 'I aprehend the Committee of Elections will be discharged....and I must tell you I'm sorry for it for I verielly belive we should carrie it if it came on, att least the appearancys ly strongly that way...'. GD220/5/8

of the Committee of Elections without hearing the Dunbartonshire case 'was throwing Cold Water' on Gleneagles election.(1) The only man who received any advantage from the discharges of the Committee was Sir Robert Walpole, who had 'Endeavoured all he could that Dumbarton should be withdrawn and when that would not doe he caused adjourn the Committee'.(1) Having promised to stand by Mungo Haldane of Gleneagles if the petition was heard, and having failed to persuade Argyle and John Campbell to drop the petition, Walpole found himself in the unpleasant position of having to make a definite stand on the side of the Squadrone should a hearing take place. Accordingly he secured this adjournment, knowing that by the next session, even if the Campbells persisted with their petition after more than half the Parliament had elapsed, Gleneagles might be less determined. Thus the adjournment was a tactical victory for Walpole and for him alone, and as he hoped circumstances did alter Gleneagles determination before the Committee of Elections was reconstituted in the next session of parliament.

The change was initiated by the death in November 1724 of the Duke of Atholl, for he was succeeded in his titles by Lord James Murray, the member of parliament for Perthshire. The late Duke of Atholl had been a political enemy of the Duke of Montrose, but this enmity did not survive him. Immediately upon hearing of Atholl's illness and the report that he was near death, Lord James and the Duke of Montrose took steps to end the quarrel, and as the latter

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1. John Graham of Killearn to Gorthie, 19 March 1724: GD220/5/8

reported, 'the conclusion was that we should allways join interest in Perthshire to keep out the common enemie'.(1) The basis of the agreement was that after Lord James became Duke of Atholl, he and Montrose would alternately propose one of their friends to the gentlemen of Perthshire in order to keep out any friend of the Duke of Argyle, and that the first nomination was to be made by Montrose. The man favoured by Montrose was David Graeme of Orchill, a Perthshire gentleman closely related to himself, and in due course David Graeme was elected with little difficulty, having been supported by both dukes. This vacancy in Perthshire, however, appears to have been seen by Gleneagles as the answer to his troubles. If he could arrange to be elected for Perthshire he need not trouble to defend his Dunbartonshire seat which could be abandoned to John Campbell. Montrose, on the other hand, could hardly be expected to view the loss of Dunbartonshire to the Campbells with such equanimity, and took steps to avoid any awkward intervention by the Haldanes in Perthshire by ensuring that the writ was sent to the Duke of Atholl, as Sheriff of Perthshire, so soon after the vacancy occurred that intervention would have been pointless. This may well have been the last straw for Mungo Haldane, for he certainly complained bitterly to Montrose that the latter 'had flung him out of S(tirling) Sh(ire) and now by the haisty manner in which the writt was sent down out of Per(th) Sh(ire) to both which Countys he thought he had a much better claim than the two gentlemen Or(chill) & K(illearn) and that in

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1. Montrose to Gorthie, 30 September 1724: GD220/5/8

'short I (Montrose) had left my old friends for extraneous persons'.

(1) Even before the date of the Perthshire election, and probably immediately he discovered that he was not to be the candidate of the two dukes, Gleneagles had turned to Sir Robert Walpole, and 'in place of minding his Election he was makeing a bargain for ane other place or some advantage to his pocket'.(1) Thus, if Walpole would make it worth his while, Gleneagles was prepared to abandon the county of Dumbarton and allow John Campbell to take the seat. 'As for M(ungo) H(aldane)', wrote Montrose, 'what point can be made of his affair when his point only is to give himself up, and his Cause, which if he had stood too handsomely might have occasioned a handsome battle, and perhapes not wt out some probability of success neither'.

(2) But such battles cost a substantial amount of money, the result was uncertain at best, and the longer a Parliament lasted the less worthwhile the investment became, for even if successful in the Committee of Elections a candidate might have to repeat the whole expenditure in the event of a dissolution. Gleneagles, his finances in disorder, was losing heart, but hoped to recover something for himself because of the trouble which could result from a clash in the Committee of Elections when Walpole was committed to support of the Squadrone.(3) Mungo Haldane was so lukewarm in his own cause that when the Dunbartonshire election at last came before the Committee in January 1725, 'It was so given up before that the English

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1. Montrose to Gorthie, 12 December 1724: GD220/5/8

2. Montrose to Gorthie, 14 December 1724: GD220/5/8

3. Montrose to Gorthie, 12 December 1724: 'for his own part he was sensible it would apear much more honourable to endeavour att least to make his pretensions good for Dun(bartonshire) but his circumstances were uneasie....'. GD220/5/8

'were prepossest that it was undoubtedlie wrong that it was not possible to adduce any argument to convince them soe that it wentwithout a division'.(1) Montrose was not happy with this result and showed his displeasure, which in turn induced the Haldanes to try to attach themselves to the party of the Duke of Argyle, (2) and when the new member of parliament for Perthshire, David Grame of Orchill, died in 1726, Mungo Haldane of Gleneagles came forward at the by-election with the support of Argyle.(3)

A further circumstance bearing on the forthcoming election for Stirlingshire which must be mentioned was the state of the qualification of the member of parliament, John Graham of Killearn. John Graham had been enrolled as a freeholder in Stirlingshire on the day of his election in 1722, as holding from the Crown the lands of Ibert, Drumbeg, and Miln of Killearn, which he possessed in property as well as superiority. These lands were stated at his enrolment to be a fifty shilling land of old extent, and if they could have been proved to be so they would have provided an unexceptionable qualification. Unfortunately, this was not the case, for Killearn had attempted to prove the extent of his lands from his charter, whereas the law clearly required proof by a retour. There was no possibility of establishing a qualification by the alternative method of the valued rent of the estate, as Killearn himself

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1. John Graham of Killearn to Gorthie, 14 January 1725:GD220/5/8
2. Montrose to Gorthie, 23 January 1725: 'M.H.....and his brothers here follow into ane other corispondence, I mean of D(uke) A(rgyle) & E(arl) I(lay)...'. GD220/5/8
3. Montrose to Gorthie, 26 March 1726: 'M.H. is certainly the other folks man.....att present its plane M.H. is preferr'd wt a view of lessening our Interest more remarkablie....'. GD220/5/10

admitted, for his lands were only valued at £328 Scots, while the lands held from the Crown did not amount to the half of that total. When one of Montrose's lawyers found a retour which appeared to describe Killearn's lands as valued at three pounds of old extent, no one could have been more surprised than Killearn himself. He insisted that:

'I never heard of any such thing before And thers nothing like it among my fathers papers.....I'm afrayed It will doe me more hurt then service since you say the whole are but Retoured a £3 land And scarce the half holden of the Crown by this means I Will Want 10/- or something more of the extent that Intitles me to a vote soe that by all means this Retour most be Concealed also much as possible.....'.(1)

John Napier of Culcreuch's petition against Killearn's election was dropped on 1st April 1726, and although Montrose was aware at that time of the flaw in Killearn's qualification, he treated the matter in altogether too casual a manner, insisting that 'upon the whole there's no haist his sate in Parlt. being now fixt, whatever objections there might be att a future Electn'.(2) Montrose was really too careful for his own interest, for although he was quite prepared to supply sufficient superiority to remedy the defect in Killearn's qualification, he insisted that: 'I'd have it given in such a way as may least tutch my family and put nothing out of its pour but what's necessary to give the vote'.(3) Consequently there was a considerable delay, and when King George the first died in 1727, Killearn found himself in difficulties. He had been supplied with the superiority of the rest of his estate of Killearn and the

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1. John Graham of Killearn to Gorthie, 8 February 1726: GD220/5/10
2. Montrose to Gorthie, 2 July 1726: GD220/5/10
3. Montrose to Gorthie, 29 June 1726: GD220/5/10

additional superiority of the lands of Buquhanmore in the same parish, which gave him an estate valued at considerably more than the required £400, but there was still the matter of infeftment. Before a freeholder could be enrolled he was required to be infeft in his possessions for a year, and Killearn had only been infeft for five months on the day of election on 14th September 1727. To allow Killearn to come forward as the candidate of the Montrose interest in such circumstances was simply to invite another petition, and accordingly it was determined that another of Montrose's friends should be invited to stand.(1) The man chosen to represent the Montrose interest in 1727 was James Graham of Airth, the gentleman whom the Duke would have preferred to Killearn at the previous election, but on this occasion Airth agreed to stand, so quickly in fact that the Duke's enemies started a rumour in London 'that that person setts up on his own footing since he begun below wt out applying to' Montrose.(2) In fact Airth had concerted matters with Mungo Graeme of Gorthie with whose judgement the Duke of Montrose normally agreed.(2)

The candidate of the Montrose interest, therefore, was the first on the field, but an opponent soon appeared supported by the Duke of Argyle and the Earl of Ely. The first move in the formation of an

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1. Montrose to Gorthie, 27 June 1727: 'I dare say Killern can't nor won't take this amiss since the mistake wt respect to his vote is so far known that he'll be sensible it would be verie imprudent, & indeed highly improper to risque ane affair of that consequence upon such a bottom.....'. GD220/5/10
2. Montrose to Gorthie, 6 July 1727: 'I think both you and he did quite right to loose no time, since the best service to be done me was to make the point secure for my friend...'. GD220/5/10

an opposition to the Montrose interest appears to have been made by Daniel Campbell of Shawfield, who, in June 1727, wrote to Lord Grange to suggest an alliance between the Erskines of Alloa and Henry Cunningham of Boquhan, the member of parliament for the Stirling District of Burghs, by which Lord Erskine, the nephew of Lord Grange and son of the forfeited Earl of Mar, might get into parliament.(1) Whether or not Shawfield was the first to think of this plan it was in fact adopted. Henry Cunningham gave up his interest in the Burghs to Lord Erskine and came forward for the county of Stirling, bartering his influence in Inverkeithing and Stirling for the Erskine interest in the county.(2) The alliance was reinforced when the Duke of Argyle persuaded Lord Elphinstone to adhere to it,(3) and Mungo Haldane of Gleneagles, as Argyle's candidate for Perthshire, naturally gave his assistance. Very quickly, therefore, the campaign began to assume the appearance of the Duke of Montrose against most of the other important figures in the county. Nevertheless, the Argyle party had no reason to anticipate an easy victory, and Lord Milton had been warned by an important freeholder that 'if Mr. Cunningham carries it, it will be a great struggle'.(4)

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1. Daniel Campbell of Shawfield to Lord Grange, 29 June 1727: 'it is not possible to carry the Shire of Stirling for Harie Cunningham and that L(ord) E(rskine) might get that district....I fancy my great friends would heartily join in this, because it would bate Mr. James Graham that is now setting up for Stirling'.
Mar & Kellie GD124/24/1976/1
2. 'Memorial about the Elections 1727'. Saltoun 363
3. Duke of Argyle to Lord Elphinstone, two undated letters referring to this election. Elphinstone GD156/33
4. William Stirling of Herbertshire to Lord Milton, 30 June 1727
Saltoun 12.

The Duke of Montrose began the campaign by calling a meeting at Stirling on the 29th June, ostensibly to prepare an address to the new King, but in reality to try to gauge the strength of his interest.⁽¹⁾ Both sides had confidence in the result of the election almost up to the date of the meeting for election, but although superficially there appeared to be uncertainty, in reality Airth was always trailing in spite of his early start. This view can be substantiated by a state of the electorate, the first to survive from this county, drawn up for the use of the Argyle-Erskine party. This list gives their candidate Henry Cunningham 27 votes to Airth's ten; on the other hand, there were a further 27 voters undetermined, in addition to minors who at a pinch might be pressed into service. Eight of the undeclared voters were marked 'not agst us', but they might not attend the election at all; nine more were nonjurors, three of whom leaned to Cunningham and two to Airth, the other four being doubtful, as were the remaining ten freeholders on the Roll. Theoretically it was still possible for James Graham of Airth to secure a majority, but it would have required excessive overconfidence on the part of Cunningham to induce him to abandon his attempts to add to the number of his supporters, and he was too experienced a politician to make that mistake. Nevertheless there was no way to predict how several of the uncommitted freeholders would vote, for they are listed as likely to be influenced by a number of persons of conflicting political views. Graham of Kilmannan, for example, was thought

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1. Mrs Mary Campbell to Lord Milton, 29 June 1727: 'the meeting of all the Gentlmen in this Shyr that are this dat in this town ordored by the Duke off Montros.....meet in desing to try how his Grace of Montros enterest stands.....'. Saltoun 12

to be influenced by John Buchanan of Carbeth, Colonel Charteris, Rob Roy MacGregor, and the Laird of Mildoven. Kilmannan was a Graham and would normally have been counted among the friends of the Duke of Montrose, but he had been one of the Duke's factors and had got heavily into arrears with his accounts and had been replaced in his office. This might have made Cunningham feel confident of securing him, but on the day of election Kilmannan supported his chief's interest.(1)

Political states drawn up by persons actively involved in canvassing are frequently inaccurate, normally erring on the side of over-confidence, but on this occasion the predictions of the compilers were confirmed on the day of election when the meeting voted for preses and clerk. The meeting, which took place at Stirling on the 14th September 1727, was hotly contested from the first calling of the Roll. When John Graham of Killearn, who presided at this stage of the proceedings as the last elected representative, called the name of Gabriel Rankine of Orchardhead, a protest was made by Patrick Haldane of Bearcrofts, Gleneagles brother. The reason given for objecting to Rankine's vote was that his name did not appear in the Roll made up by the freeholders at the election of 1713, and that he had never since produced any papers to entitle him to a place in the Roll. This protest set the scene for a bitter struggle, in which little regard was paid to consistency or even

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1. 'Stirlingshire Voters etc.' 1727: Mar & Kellie GD124/62

honesty.(1) James Graham of Airth convincingly answered this objection for the Montrose interest by pointing out that the Laird of Orchyardhead had been enrolled as early as 1708 and had voted at the election in that year and again in 1710; he had not been present when the new Roll was made up in 1713, but he had never been formally expunged, and Airth cited the Freeholders Minutes to support his contention.(2) Airth followed up his answer to the objection against Orchyardhead by protesting against the vote of Elphinstone of Quarrel, one of Cunningham of Boquhan's party, on the ground that he had disposed all of his lands to John Drummond, now of Quarrel, who was about to claim enrolment for the same lands.(3) Elphinstone, however, insisted on voting in the election of the preses.

There is no list of the voters in the question of the choice of a preses entered in the minutes, and James Graham of Airth may have had the assistance of some freeholders who would not take the oaths and who, consequently, would not attempt to vote for the member of parliament and therefore would not appear in the final lists, but if this possibility is excluded the voting appears to have been 21 in favour of William Stirling of Herbertshire, the candidate of Boquhan's party, to 14 for James Graham of Buchlyvie, the friend of Airth. Seeing themselves outvoted in this vital question, James Graham, younger of Buchlyvie protested that many of Boquhan's friends including Herbertshire were unable to vote, 'In regard that they had been in a club or cabal and entered into such concerts as are

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1. Freeholders Minutes, 14 September 1727: SC67/59/1/54

2. Freeholders Minutes : SC67/59/1/55

3. Freeholders Minutes: SC67/59/1/56

'entirely against the freedom of election.....And such as have been free from such concerts should proceed to an election of a member for the county'.(1) The interesting point about this partisan protest is that the nine freeholders named in connection with the cabal were all independent men, no protest was made against the known friends of the Duke of Argyle and Henry Cunningham. In this incident there is therefore evidence that the independent freeholders of Stirlingshire had had enough of the Duke of Montrose and had organised against him, and subsequently joined the friends of the Duke of Argyle in order to remove what they considered to be the greater menace to the freedom of the county. The list includes several barons formerly regarded as friends of the Duke of Montrose as well as the unsuccessful candidate of 1722, John Napier of Culcreuch. One of these gentlemen answered the younger Buchlyvie by admitting their concert, but insisted that the group was formed 'in order to prevent an unjust and undue influence in Elections', which was no more than the truth.(2)

This objection of a concert among certain freeholders and the refusal of the new preses, William Stirling of Herbertshire, to exclude Elphinstone of Quarrel from the meeting, was made the excuse for splitting the meeting. The majority of the freeholders protested strongly against this development, insisting that any separate election would be null and void, and with more optimism than common sense asked the Sheriff-depute, John Graham of Dougalston, to give

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1. Freeholders Minutes: SC67/59/1/56-7

2. Freeholders Minutes: SC67/59/1/57

the writ of election to Herbertshire. The minutes of the freeholders thereafter go their separate ways, but both are entered in the book, first the meeting of Montrose's friends which was attended by the Sheriff-depute and his Clerk, and then the majority meeting.(1)

The fourteen freeholders in the Montrose interest did not leave the courtroom in the Stirling tolbooth where the elections were invariably held, but withdrew to the other end of the room where they proceeded to choose their own preses and clerk. Of the fourteen freeholders in this group, eight, including the Sheriff, the preses, and the candidate, were of the name Graham. The breakaway group then added to their strength by enrolling four more gentlemen, all of whom appear to have been genuine freeholders with no sign of nominality. The first, William Drummond of Abbotsgrange, was qualified on lands valued at £1234 Scots, while his brother, John Drummond, the new laird of Quarrel, was enrolled for a fifty shilling land of old extent, although the extent is questionable for no retour was produced. The claims of the two other gentlemen were fully documented and appear to be as good as that of Abbotsgrange. This group then proceeded to the unanimous election of James Graham of Airth to represent Stirlingshire in the ensuing parliament.

The remainder of the freeholders in the meantime had been continuing with their meeting at the opposite end of the room, but in their case not without interruption. James Graham, a brother of the Sheriff,

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1. Freeholders Minutes: SC67/59/1/61-81

2. Freeholders Minutes: SC67/59/1/63

commuted between the two meetings, and is the only freeholder to be named in the sederunt of both meetings. The object of his activities was to prevent Henry Cunningham of Boquhan from running his meeting entirely in his own interest, and accordingly James Graham entered numerous protests against claimants who approached the majority meeting. There were nine claimants at Boquhan's meeting, of whom seven were enrolled and two refused. The greatest struggle concerned the claims of two judges of the Court of Session, James Erskine, Lord Grange, and David Erskine, Lord Dun. The two Lords of Session, as relations of the forfeited Earl of Mar, had purchased the Mar estates, and now claimed enrolment as proprietors of the lordship of Alloa. James Graham objected that they held the estate of Alloa in trust for another, which in fact was correct, since the object of the purchase had been to secure the lands for the Earl of Mar's son Thomas Erskine. Confronted by the two judges, the advocate James Graham gave a good account of himself, but to no avail. This type of transaction had not been envisaged by the framers of the Trust Oath and the electoral statutes, and the interpretation which the meeting put on the laws naturally favoured their party interest. The two lords were quite ready to take the Trust Oath, for they were under no obligation to dispoise or reconvey the estate of Alloa in the sense of the words of the oath. They had in fact obliged themselves since the purchase to convey the estate to Lord Erskine and to others named in an entail, but this was only to happen when the judges had been paid an agreed price, and until this price was paid they remained infeft as the King's immediate vassals. The analogy is closer to a proper wadset than to a nominal voter holding an estate in trust. It was also objected that the two lords

were jointly infeft in the estate, which was a good objection, but here again the freeholders found no difficulty in accepting the judges explanation. Although they were infeft pro indiviso, the lands extended to £1188: 13: 5 Scots, which was considerably more than was required by law for two votes. The result of the argument was never in doubt of course, the objection being simply a safeguard for possible use in another place. (1)

The freeholder majority made a much more questionable decision in the case of John McLauchlane, younger of Auchintroig, another claimant. The father of this gentleman, of the same name, stood on the Roll for his estate of Auchintroig, a five pound land of old extent. The elder Auchintroig was enrolled as liferenter, but his son who was the fiar was not on the Roll. Now the peculiarity of the liferenter and fiar aspect of the franchise was that the fiar could vote in the absence of the liferenter, but they could not both vote for the same lands. In order to escape from this difficulty, the elder Auchintroig renounced his liferent of one half of his estate in favour of his son, and the son then claimed enrolment on the basis of his charter and sasine as fiar of the whole estate together with his father's renunciation of half of his liferent. There can be no doubt that this was what James Graham alleged, 'a private deed between father and son, unregistered.....and appears to be collusive between father and son in order to split and multiply votes, being only date of 13 September last', which was the day before the election.(2) Graham also rightly insisted that one half

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1. Freeholders Minutes: SC67/59/1/67-71

2. Freeholders Minutes: SC67/59/1/71-2

of a five pound land of old extent was not necessarily valued at fifty shillings of old extent, and particularly when no retour had been produced to instruct the valuation of the whole estate in terms of old extent. Patrick Haldane, however, insisted that the burden of proof rested, not with the claimant, but with the objector, and alleged that it was the 'constant custom to accept of a charter as a sufficient evidence of the extent of the lands, unless where the objector shows by a retour the extent of the lands to be less than the charter mentions'.(1) An openly partisan decision was to be expected in the circumstances, but even so, the answer that the burden of proof lay on the objector rather than on the claimant was rather extreme.

Having dealt with some less controversial claims, and having declined to enrol two claimants with particularly poor qualifications who were no longer required, the meeting turned to their absent friends at the other end of the room and promptly struck off James Forsyth, one of the Graham party, with every appearance of justification, for he had been divested of his lands by a charter of adjudication and a sasine following thereon.(2) Their appetites whetted, the freeholder majority proceeded to denounce the Duke of Montrose's nominal voters. This objection was voiced by Sir James Campbell of Ardkinglas, who pointed out that some of the Grahams freeholds were very small indeed. Walter Graham of Kilmardinnie's freehold of Balintone, which he claimed to be a fifty shilling land

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1. Freeholders Minutes: SC67/59/1/71-2

2. Freeholders Minutes: SC67/59/1/73

land of old extent, was valued in the cess books at only £24, and Ardkinglas alleged that Kilmardinnie and the others in the same situation were mere nominals who had never uplifted the feu duties from their supposed vassals. Ardkinglas protested that 'the receiving of charters founded upon Gratuitous Dispositions from Peers whereby they convey nothing that is of any value to the receiver except the pretension to vote at Elections.....is highly prejudicial to the rights of Barons, and tends to subject them to the undue influence of Peers in their elections'.(1) This objection contains what was without question the principal cause of the opposition to the election of James Graham of Airth, for Airth was popular in the county and was in himself an unexceptionable candidate, being a substantial baron with a real vote. But the creation of the Graham nominal voters had rankled with those freeholders who were neither the relations nor the dependants of the Duke of Montrose.

James Graham, however, easily answered the immediate objection by pointing out that each of the allegedly nominal voters stood infeft in his lands upon a Crown charter, that each qualification was retoured to more than forty shillings of old extent, that they were on the Roll, and it had not been alleged that their circumstances had altered.(2) This answer proved too much for Ardkinglas, who contented himself by entering another protest in the minutes while leaving the five Grahams on the Roll. The Grahams not being present

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1. Freeholders Minutes: SC67/59/1/74

2. Freeholders Minutes: SC67/59/1/74-5

officially, they could not be asked to take the Trust Oath, and accordingly it was difficult to justify striking them out of the Roll without some proof of change of circumstance. An objection was also made to the vote of the late member of parliament, John Graham of Killearn, but it appears from the minutes to have been such an incoherent jumble of dubious figures, that all it proves is that the opposition knew that there was something wrong with Killearn's vote. They had no idea just what was wrong with it, and stumbled around hoping that their objections might prove useful at a later date.(1)

James Graham seems to have decided at this stage of the proceedings that this had gone on long enough, and made some objections of his own, alleging in particular that neither Brigadier-General George Preston nor his son George had a forty shilling land of old extent or an estate Valued at £400 Scots. The same objection had been made unsuccessfully in 1722 and the situation had not altered. The Brigadier produced a certificate signed by three Commissioners of Supply and the Clerk of Supply declaring his lands to be valued at £410, and assuming this document to be accurate his vote was good. The son, on the other hand, adhered to his old contention that it was unnecessary to produce a retour to establish the old extent of his lands. The younger George Preston possessed the fifteen oxengate land of the Halls of Airth, and contended that four oxengate extend-

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ed to a one pound land of old extent, and that, therefore, fifteen oxengate was much more than the forty shilling land required for a vote, which was no better an argument than it had been in 1722.(1) The 1722 arguments were again repeated against Henry Cunningham of Boquhan and the representative of Cowan's Hospital, but in both cases Graham appears to have been objecting for the sake of covering all possibilities, and his protests naturally were ignored by Boquhan and his friends.(2)

After James Graham had been silenced, the meeting proceeded to choose their representative, 28 freeholders voting for Henry Cunningham of Boquhan. Boquhan's support was increased to 29 if the vote of the City of Edinburgh was counted, their commissioner having been refused enrolment.(3) Since only sixteen freeholders had voted for James Graham of Airth at the other meeting it is clear that Boquhan had the support of the greater part of the county, and his majority was so great that the Grahams thought better of their earlier intention of returning Airth as duly elected. Henry Cunningham was permitted to take his seat without further opposition.

The result of the 1727 election, therefore, was the apparent destruction of the Duke of Montrose's predominance in the county of Stirling. The cause of the Duke's loss of influence was clearly his ill-advised attempt to enlarge his natural interest by an artificial increase in the number of his supporters, an augmentation which the

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1. Freeholders Minutes : SC67/59/1/76-7
2. Freeholders Minutes : SC67/59/1/78-80
3. Freeholders Minutes : SC67/59/1/81

freeholders, after some hesitation, refused to accept. This was not the only factor contributing to the change, for the loss of the Haldanes support was also important, but it was the decisive element. The resentment which the independent freeholders felt with regard to nominal voters manipulated by a Peer had always to be borne in mind by Stirlingshire politicians tempted to make votes.

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Chapter Three

County Politics 1727 to 1741

(1) The Election of 1734

The victory gained by Henry Cunningham of Boquhan and the Duke of Argyle over the interest of the Duke of Montrose in 1727 was followed by a prolonged lull in political activity in Stirlingshire which persisted for almost six years. Then, just when a revival of political activity was to be expected in view of the approaching end of the Parliament elected in 1727, the Excise Bill crisis introduced a new element into the politics of the county, ensuring that the next election would be fought on different lines from that of 1727. The election of 1727 had been fought by two candidates, either of whom would have been acceptable to the Ministry, but in 1734 there was to be a party struggle between Court and Country. By 1734 the Duke of Montrose and the other Squadrone lords were in opposition, having broken with Sir Robert Walpole in the course of the Excise debates, and the Court interest in Scotland was managed by the Earl of Hly. Great efforts were made by both parties to gain support in view of the forthcoming General Election and close attention was given to the debates in parliament, although the question of the Excise was not the only issue which could be employed by the enemies of Walpole and Hly.(1)

In the county of Stirling the general coalition of interests which had defeated the Duke of Montrose's interest in 1727 broke up

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1. See Chapter Ten.

over the Excise question and new groupings emerged. As always the leading interest in Stirlingshire was that of the Duke of Montrose, who, on the 14th June 1733, was deprived of his office of Keeper of the Great Seal of Scotland for opposing Walpole. The Montrose party, in spite of the setback they had suffered in 1727, was still substantial, and provided a nucleus for the new country party, the 'Patriots', as they liked to call themselves. Accepting the lesson of 1727, the Duke of Montrose did not seek to increase his natural interest in Stirlingshire by any further creation of nominal votes, although he retained the nominal voters already on the Roll, and instead aimed at securing a majority of the real freeholders. The county of Stirling was of the utmost consequence for Montrose, for he had younger sons approaching the age of majority and he had long hoped to secure the representation of the county for one of them.⁽¹⁾ Almost certainly the Duke would have contested the seat even if the Excise question had never arisen.

In view of his intentions the Duke had worked hard to secure and retain the affections of the Stirlingshire barons, but all his work might have gone for nothing had it not been for the breakup of the coalition which had defeated James Graham of Airth in 1727. The chief agent in the recovery of the Montrose interest was James Erskine of Grange, who with his nephew Lord Erskine had been among the leading supporters of Henry Cunningham of Boquhan at the previous election. In 1733, however, Grange and Lord Erskine deserted

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1. Montrose to Gorthie, 30 May 1729: 'the greatest part of my Estate is there (in Stirlingshire) and.....you know my intention is that a son of mine should come to represent it'.GD220/5/10

their old ally Lord Hlay, ostensibly over the Excise question.(1) This was a development of the greatest importance for Stirlingshire politics, for the Erskines had considerable influence in the county, and, far more than the Haldanes, had been instrumental in building up the Argathelian party.

Walpole's enemies posed as the defenders of the constitution, insisting that they had given 'their opinion for the support of the King and the constitution in opposition to a measure evidently tending to hurt both'.(2) They clearly believed that their absence from Court would be temporary and that they would soon be restored to the King's favour when Walpole could no longer command a majority in Parliament. Unfortunately for the Patriots, however, this belief proved to be ill-founded, for although the Minister was obliged to drop his obnoxious bill he recovered a working majority in Parliament, and it soon became apparent that his enemies would find themselves out of office and in opposition to the King's Government when Parliament was dissolved.

The purge of Walpole's enemies was not confined to the great men, but extended downwards to include their friends, at least to those who showed their intention of remaining so. Henceforth there was to be no Court patronage in Scotland except to friends of Hlay and Walpole.(3) Such a drastic alteration in the political

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1. But see Chapter Ten.

2. Montrose to Gorthie, 16 June 1733: GD220/5/11

3. Montrose to Gorthie, 16 June 1733: 'I take it for granted that you won't enjoy your office long.....just for the present, and I hope that shan't be long, it may be imputed perhapes as a Crime to be my friend'. Gorthie was in fact dismissed.
GD220/5/11

situation in Scotland must have been little to Walpole's taste, but there could be no alternative when only Lord Hay among the leading Scottish politicians was prepared to support his measures. Both Opposition and Government were fully conscious that everything would depend upon the result of the next General Election, and the Duke of Montrose took the first opportunity after his removal from office to urge his friends not to neglect his interest in Stirlingshire.

Communication between the politician and the voter was hampered at this period by the geographical isolation of many of the freeholders, with the necessary consequence that in many localities there was a general lack of information about events taking place outside the local community. Public opinion, such as it was, was moulded by rumour rather than by fact or propaganda. 'As our part of the Countrie lyes att a great distance and is seldom thoroughly, or rightly inform'd of things', remarked Montrose, 'I don't pretend to guess in what manner they have reason'd upon what has happen'd dureing the Currency of the late Session of Parlt'.⁽¹⁾ Accordingly, no time was to be lost in putting the case of the opponents of the Excise before the Scottish electorate. The Scottish representatives were not noted for their independence, and the Patriot leaders saw this issue as an opportunity to regain some of the reputation which Scottish parliamentarians had lost by their normal subservience to

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1. Montrose to Gorthie, 16 June 1733: GD220/5/11

the Treasury. Mungo Graeme of Gorthie was advised that 'Nothing can sure be more for the interest of the King and Countrie, and for our part of it in particular in order to regain the reputation we have lost in one House of Parlt, than to study to get a right representation in the H. of Commons which can only be hop't, from geting men of parts and Character to stand where they have interest'.(1)

The Government party were equally alert, and, remembering what had occurred at the previous Stirlingshire election, took steps to deprive the Duke of Montrose of the office of Sheriff of the county. (2) At first Lord Ilay considered giving the sheriffship to Lord Elphinstone, but this project was not followed up, perhaps because Lord Elphinstone was seen to favour the Patriots.(3) Certainly Lord Elphinstone worked for the Patriot cause in Stirlingshire, but whether he did so before he was disappointed of the sheriffship is unknown. The sheriffship ultimately was awarded to one of the freeholders in Ilay's interest, Gabriel Napier of Craigmarnock, who was appointed Sheriff-depute in April 1734.(4)

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1. Montrose to Gorthie, 16 June 1733: GD220/5/11
2. Archibald Campbell, W.S. to Lord Milton, 18 May 1733: Campbell's servant had 'sent off the Copie of the Duke of Montrose Commission as Sheriff of Stirling under Lord Isla's cover...'. Saltoun 20
3. Earl of Ilay to Lord Milton, 21 June 1733: 'I intend the Sheriffship of Sterling for Ld Elphinston if there is no objection..'. Saltoun 20.
4. Earl of Ilay to Lord Milton, 23 April 1734: 'Mackmillan receives by this Express a Warrant for Gabriel Napier to be Sherif Depute upon the dismissal of his Grace of Montrose....'. Saltoun 399

The member of parliament for the county, Henry Cunningham of Boquhan, was a loyal supporter of Walpole, and consequently, if public opinion could be aroused against the Excise measure, his position would be far from secure, particularly as his standing in the county had not been improved by the fact that he had ignored the instructions given to him by the freeholders at his last election. But the Court interest had a candidate, which was more than the Patriots could claim, for although Montrose and his friends knew that an early start was essential in a contested election, it was far from easy to find a suitable freeholder. The Duke hoped to secure Stirlingshire for one of his sons, but Lord George, for whom the seat was intended, was not yet of age.(1) A Stirlingshire baronet, Sir Michael Bruce of Stenhouse, also had ambitions in this direction, and he did in fact try his interest in the early summer of 1733, but although Bruce possessed a freehold estate he was poorly placed, for he was not on the Roll.

The Duke of Montrose's first choice once again was James Graham of Airth, the more so as the alliance with the Stirlingshire Tories under Airth's influence was the basis of Montrose's interest. Airth however declined to come forward again, but in his letter to the Duke informing him of his decision, Airth suggested another Tory gentleman, John Stirling, younger of Keir, and Montrose eagerly adopted the suggestion. This was certainly a mistaken notion which might have proved disastrous to any interest claiming to be loyal

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1. Montrose to Gorthie, 16 June 1733: GD220/5/11

to the House of Hanover, for the Stirlings of Keir were the best known Jacobites still residing in that part of Scotland, and had been involved in every attempt to alter the succession since 1708. Neither Stirling of Keir nor his son stood on the Freeholders Roll, and although Keir made no objection to his son taking the oaths, and in fact was eager for him to stand, there would still be the problem of getting a Jacobite gentleman onto the Roll. There was a further disadvantage in such a candidate moreover, for there could be no doubt that however the majority of the freeholders voted, an attempt would be made to remove such a representative by petition to Parliament.⁽¹⁾ The younger Keir was not to be the candidate of the Montrose interest however, for the Duke's friends took the decision out of his hands.

The Duke of Montrose did not return to Scotland in the summer of 1733, and management of the Patriot interest was left in the hands of several of his allies, notably the Marquis of Tweeddale, the Earl of Stair, and the Earl of Aberdeen. It was these lords who completed the negotiations which detached James Erskine of Grange from Lord Ilay's party, and part of their agreement demanded 'that Ld Erskine shall at next Elections be chosen Member of Parlt for the Shire of Stirling'.⁽²⁾ Lord Erskine, the nephew of Lord Grange, was then the member of parliament for the Stirling Burghs, and the Erskine interest was well worth obtaining, for their influence was not confined to the counties of Stirling and Clackmannan, but also extended to

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1. James Stirling of Keir to John Stirling, younger of Keir, 24 July 1733. 'The Stirlings of Keir', Sir W. Fraser, No. 321, pp. 534-5
2. Lord Grange to Gorthie, 8 August 1733: GD220/5/4

Aberdeenshire. Unfortunately, however, the Patriot lords did not think to consult the Duke of Montrose before giving a firm commitment to the Erskines, and before their negotiations were completed John Stirling was already soliciting votes as the friend of the Duke of Montrose, assisted by Mungo Graeme of Gorthie, the Duke's commissioner.

Urgent letters were sent to Gorthie, urging him to stop canvassing for John Stirling pending further instructions from the Duke. Lord Grange insisted that 'the Marquiss of Tweeddale and the Earls of Aberdeen & Stair, would not enter a concert with me in his Grace's name, except they knew well that he would be pleased & fullfill it'. (1) Lord Tweeddale also sent an express to Gorthie asking that he should call off Keir and 'manadge yt affair prudently so yt he may nott take itt ill any disapointment he may meett with from friends he may have expected would have joined him att this time'. (2) John Stirling's reaction is not known, but whether or not Keir took it ill, the Duke of Montrose was furious.

The failure of communications between Montrose and his allies was very serious. Montrose's allies assumed that the Duke would at once accede to their request and fall in with their arrangements, although they had not taken the trouble to inform him that such negotiations were even pending. The Duke of Montrose, as the only lord of the Patriot party with a substantial interest in the county

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1. Lord Grange to Gorthie, 8 August 1733: GD220/5/4

2. Lord Tweeddale to Gorthie, 9 August 1733: GD220/5/20

of Stirling, was understandably annoyed that after he had asked John Stirling to come forward he should then be informed of a new arrangement.

Lord Grange at once set out for England in order to explain matters to the Duke of Montrose who was then residing in Norfolk, but the distance to be travelled occasioned a considerable delay which was further prolonged by Grange's horse falling on him, which added another week to the time taken for the journey.(1) In the interim Montrose's anger increased rather than abated, and he expressed his feelings fully and forcefully in letters to his friend Mungo Graeme of Gorthie:

'I can very well conceive the reason why I was not in dew time apprysed of these matters', he wrote. 'It must have been to prevent my makeing the objections that they saw planely behoov'd to occur to me, & therefor I was to be dipt wt out my consent, in hopes that I might do it unwillingly, yet I would still give a sanction to what was done after finding it so far advanc'd that my name had been usd, nay my friends I find engaged in my name as if I my self had wrote in the most pressing terms to the Gentlemen of Stirling Shire. What an astonishing step in Folks I'm in friendship & corispondence wt.....they have beliv'd that the satisfaction I would have in hearing of the junction wt Ld Grange would make me jump over all other considerations, but however well pleasd I truly am wt that step, I can not approve of its being brought about att the Expence of my Character and interest. You very well know how little interest the family of Mar had in Stirling Shire till the late Ld Mar got a footing by the means of my Ld Linlithgow and the same game it seems is now to be playd on me. Ane other consideration likewise has hurried on this, I mean Ld Aberdeen's part, who by this means is to secure his nephew in Aberdeen Shire, where Ld Erskine could easiely have been chosen, but my interest must pay for all, that most not only be given up, but my personall character & Credit even wt my friends who can never have any dependence upon a man I should think who is capable of being actuat wt out any opinion of his own.....'. (2)

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1. Lord Grange to Lord Tweeddale, September 1733: Yester 7044
2. Montrose to Gorthie, 15 September 1733: GD220/5/11

Almost certainly Montrose was correct in his surmise concerning Lord Aberdeen's part in the new arrangements, and seeing matters in that light the Duke at first refused to have anything to do with the plans:

'I'll give no sanction to a Treaty so inconsistent wt my honour, and the interest and Credit of my Family', he declared. 'You must know that the reason of Ld Erskine's standing in two places (Stirlingshire and the Stirling Burghs) is this, Ld Grange is tyr'd of the Session and intends to demitt, not now, but some time hence, and when Ld Erskine, who of course will desire to serve for a County makes his Election, Ld Grange is to come in to Parlt proposeing to be chosen for the district. The scheme of Ld Grange's comeing in to Parlt is certainly a verie right one, but let Ld Erskine, say I, be chosen for Aberdeen Shire. I hope he shall not for Stirling Shire wt out my consent. I suppose he won't attempt it. If he does it will be in vain, for if my friends can't make a party for Airth or Kier.....I had rather Harry Cunningham carried it for this bout, as deliver up my interest and opinion which would be the consequence of my giving in to what is desired of me.....'.(1)

Montrose dispatched one of his own servants to ride post to Scotland with letters to Gorthie and other friends, including a more temperate version of the last quoted letter, which Gorthie was instructed to show to the Duke's friends in Stirlingshire. In this public letter he told them:

'Ld Erskine may stand, & I suppose behoov'd to carrie Aberdeen Shire if he did, but whatever he may do in that I hope my friends will concert matters so as that either Airth or Mr. Stirling younger of Kier may stand for Stirlingshire for I shall never agree to lessen my friends or my self so far as to come into any scheme not concerted betwixt them and me.....'.(2)

These Letters demonstrate the limits of party politics at this period. Montrose was prepared to see his political enemy, Henry Cunningham of Boquhan, chosen in preference to a Patriot candidate whom he had not named. Similarly, the Duke knew that his standing in the county

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1. Montrose to Gorthie, 15 September 1733: GD220/5/11

2. Montrose to Gorthie, 15 September 1733 (Public letter) GD220/5/11

depended upon his going through the accepted forms of consultation with the friends who supported his interest. Both Airth and Keir were chosen by the Duke alone, but the gentlemen expected to be asked for their votes and assistance, and in fact they had been asked to support Keir. Certainly there was a distinct possibility that they might be disobliged by a sudden reversal which would seek to transfer them from Keir to Lord Erskine. Finally, Montrose had good reason to prefer someone other than a member of the Mar family. The Erskines already had a good interest in the county, and if Lord Erskine was permitted to entrench himself in the representation it might be difficult to dislodge him when Lord George Graham was of age to enter parliament.

The Patriot lords in Edinburgh saw the question in a different light and expressed surprise at his anger. In a letter to Lord Marchmont, the Marquis of Tweeddale commented:

'The breaking Grange with Earle of Islay was no trifling matter, and I am sure after this we had all regreted if it had miscarried upon ill understood points of honour. Besides really I can't see any difference between Lord Erskine since we have hopes he will concur with us being chose for that shire upon the Duke of Montrose's interest or any other person, especially considering itt had been very difficult to have carryed any other person..... If the Duke of Montrose was here I am fully convinced this would be explained to his satisfaction. In the mean time itt is obvious if his Grace should continue to decline writing to his friends the bad effects itt must have.....The other side place all their hopes in divisions amongst us and therefore it is highly proper means be used to prevai'll with his Grace not to fly out now.....'.(1)

The Duke of Montrose could also see the danger of division within

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1. Lord Tweeddale to Lord Marchmont, 26 September 1733:
HMC Polwarth, vol.5, pp.

the Patriot party, but he was not to be immediately pacified, and delayed any decision while his agents toured Stirlingshire to explain the situation and show the letter which he had sent. His chief concern was to ensure that his friends were not disobliged by the extraordinary proceedings in which their votes had been sought first for Stirling and then for Erskine, both claiming to stand on the Duke's interest.(1) After favourable reports reached Montrose concerning the attitude of his friends, he allowed himself to be persuaded to acquiesce in the arrangement. The last pressure was applied by Lord Grange, who assured the Duke that upon his return to Scotland;

'It would be absolutely necessary for his young friend (Lord Erskine) to make his circular visits, that if he should make any distinctions & not visit all, those he omitted would look upon it as a neglect, that he behoovd therefor to visit all, and consequently any particular friends, especiallie since he will declare to them, & all the rest, that his dependence is on my favour & recommendation, that if I should not then write to my friends before hand, these visits would be embarassing to him & them.....'.(2)

This gentle blackmail supported the favourable report sent by Gorthie, and the Duke gave way. Mungo Graeme of Gorthie was instructed to proceed to Edinburgh and there arrange the terms in which the Erskines were to address themselves to his friends, for the Duke was still concerned with the unhappy appearance of such a drastic change of front. Montrose nevertheless realised that any further delay and confusion could only benefit Lord Illy, and on reflection did not welcome the possibility of another victory for

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1. Montrose to Gorthie, 20 October 1733: 'I am glad to heare from you that such Gentlemen as you have spoak too seem all, as you say, verie well pleasd.....'. GD220/5/11
2. Montrose to Gorthie, 26 October 1733: GD220/5/11

Henry Cunningham of Boquhan:

'If my friends are in the temper I imagin they are', he wrote, 'their answer will naturallie be, that if I am for this measure, there shall be no objection on their part. This you tell me is what most or all of them have said to you allreaddie, and this I think will fix the thing in Exclusion of the present member, for as matters now are, this conjunction most go on & be supported, there being no friend of mine disoblidg'd, or that is desirous to stand.....'.(1)

The direct result of this notable failure in communications among the Patriot leaders was that instead of getting a candidate quickly into the field, the Patriot party trailed badly and did not get their campaign properly started before October 1733. The Court party naturally took full advantage of this delay, and the Patriots had to work hard to build up a party in Stirlingshire after the field had been cleared for Lord Erskine. Although still resentful of the lack of consideration which his allies had shown towards him, the Duke of Montrose allowed his agents to take part in the canvass. 'You are certain much in the right to visit, or to write to sundry persons', he told Mungo Graeme of Gorthie, 'forms must be kept up, and are quite necessary, wt out the punctual observance of them sundrys might be disoblidgd'.(2)

The Government interest in this part of Scotland was entrusted to Henry Cunningham of Boquhan, the member of parliament for the county of Stirling, who came to Scotland in January 1734 in order to manage the elections for both Stirlingshire and the Stirling Burghs. The wildest libels against the Erskines were spread by

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1. Montrose to Gorthie, 26 October 1733: GD220/5/11

2. Montrose to Gorthie, 17 November 1733: GD220/5/11

Boquhan in an effort to discredit them with the voters. According to Lord Grange, Cunningham:

'raill'd at me, & said he had gather'd up the Letters I wrote to the Voters of Stirline Shire wch he was to print at London, that to some I wrote Ld Erskine was a Whig bred at Geneva, to others that he was a Torry like his Father, & according to my own heart, and much more dam'd stuff, wch tho I had been Rogue enough to write so doubly, I would not have done in so poor a strain.....who would be so great a Beast as to write so grossly to a wholle Shire, & to Neighbours who could not but meet & compare their Letters' ? (1)

The long delay in clearing the way for an agreed Patriot candidate had a further unfortunate result, for it encouraged a third candidate to come forward and try his interest in Stirlingshire. This man, Sir Alexander Hope of Kerse, had been enrolled at the election of 1727, and on that occasion had supported Henry Cunningham of Boquhan, but he now seemed ready to oppose Boquhan. Nothing could have been more embarrassing for the Montrose interest than a third candidate, but there was reason to handle Kerse carefully, for if he was prepared to oppose Boquhan he might be won over to support of the Patriots, and if he was considering offering his services to the county it was to be assumed that he was able to influence a number of barons. Gorthie therefore had a long conversation with Sir Alexander in November 1733, and at a subsequent meeting persuaded him to stand down. Gorthie was unable to win his support for Lord Erskine, however, for the Laird joined the Court party, and it is almost certain that his own canvass was intended only to attract the attention of Government.(2)

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1. James Erskine of Grange to Lord Tweeddale, 9 January 1734:
Yester 70th
2. Montrose to Gorthie, 14 November 1733 and 22 February 1734:
GD220/5/11

By February 1734 it was clear that there would only be the usual two candidates, who on this occasion were Henry Cunningham of Boquhan and Lord Erskine. Objections had been made to Boquhan's qualification at the last two contested elections, but in 1734 Boquhan made adequate preparations and secured 'a good and undoubted vote by the Lands of Ballocharn a part of the Barrony of Edinbellie, by Disposition from Culcroich. It is a five pound Land'.

(1) Boquhan made a noisy progress through the district, talking confidently of success. 'I'm told H. Cunningham talks big as if he'd Carrie his Election for the County', wrote Montrose, who added with his usual optimism, 'but that is look't upon as a manner of talking only, for I belive its rather taken for granted that he'll loose it'.

(2)

In the spring of 1734 Lord Elphinstone joined with the Patriots in opposition to Hlay and Walpole, and informed Lord Grange that he would take every opportunity to work for Lord Erskine's election, particularly at 'Ladie Mary Graham funerall where I shall have an opportunity of seeing a great number of freeholders and some Peers who have not yet spoke out upon any side'. (3) The Court did not abandon Elphinstone easily, and sent Colonel John Campbell, the member of parliament for Dunbartonshire, to visit him and try to recover him for the Government. Campbell was not successful however, and was obliged to report that in spite of an 'attack upon Lord

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1. Hugh Graeme to Gorthie, 22 January 1734: GD220/5/23
2. Montrose to Gorthie, 22 February 1734: GD220/5/11
3. Lord Elphinstone to Lord Grange, 29 March 1734:
Mar & Kellie, GD124/26/2087

'Elphinstone in all shapes wet and dry', he had replied 'that he was fix't by a promise of near a years standing to give Lord Erskin any little interest he had'.(1)

Just as they did in the Burgh elections of 1734,(2) the Patriots made effective use of printed propaganda to put over their case to the freeholders. 'The extraordinary Craftsman is a proper paper for the perusall of our freeholders who in great part seem to be asleep or in a state of inaction or dead to their own interest or that of their Cuntry', remarked Lord Elphinstone, who helped to distribute the paper among the gentlemen of Stirlingshire.(3) The effect of this propaganda among the freeholders is more difficult to assess than the similar measures taken with the inhabitants of the towns, but at least an attempt was made at this election to state an issue, as opposed to the more usual family struggle.

By April 1734 it was known that Henry Cunningham was not after all to be the Court candidate, for he was appointed Governor of Jamaica, but he continued to manage the elections for Walpole.(4) The Court was thus obliged to find a new candidate, and it was at first intended that John Napier of Culcreuch, who had been the unsuccessful candidate in 1722, should again stand.(5) Napier seems to have declined the honour however, for by May 1734 the Court

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1. Colonel John Campbell to Lord Milton, 27 May 1734: Saltoun 399
2. See Chapter Ten.
3. Lord Elphinstone to Lord Grange, 29 March 1734: GD124/26/2087
4. Montrose to Gorthie, 20 April 1734: GD220/5/11
5. Lord Hay to Lord Milton, 23 April 1734: 'I have settled it with H. Cunningham (who has kissed hands for the Government of Jamaica) that Napier of Kilcrugh shall stand....'. Saltoun 399.

candidate was Sir James Campbell of Ardkinglas.(1) A late change of candidate always damaged the prospects of an interest, for votes promised to one man were by no means necessarily transferable to another. Thus the Court party virtually cancelled the advantage which they had gained from the early disarray in the Patriot ranks.

The entrance of Sir James Campbell to the contest marks a new departure in the politics of Stirlingshire, for in order to make up the ground which he had lost by his late appearance, the Court gave him authority to be generous with promises. The election of 1734 was the first in which bribery was an important factor in determining the result. There were always a few freeholders whose circumstances or cupidity tempted them to sell their votes, and Sir James set out to buy these men. Ardkinglas summed up the situation in Stirlingshire with unusual frankness:

'I am at a good deal of Loss by being so Long a setting up hair for some of our frinds who would have been for me are now ingadged in the other side, but if I be supported, I hope at least to give them a heat, and in order to this I most endeavor to bring of some of Montroses frinds, which I do not dispair of If assisted and supported by my frinds particularly two to witt; Buchanan of Balfumine, he declairs he is yett uningadged, and is ready to vote for me providing ther is any thing done for John Buchanan his son, all he asks is a tide waiters place, but insists that he may see his sons Commision before the election, so if this can be done.....we have him, if not Montrose has him to whom he ous many obligations. Then a post in the Customs most Likewise be obtained to John McLachlan of Auchintroig who has a good vote but is poor, but it must be better than a tide waiter.....I fancy Achinbowie, if any post was given him he might be gained, he's a man of more weight than both the others; I belive a promise that he can depend on would do.....'.(1)

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1. Sir James Campbell of Ardkinglas to Lord Milton, May 1734: Saltoun 22.

After amusing himself at the Patriots expense by asking Lord Erskine for his vote, (1) Ardkinglas began to canvass the freeholders with great determination, and any freeholder who might be susceptible to bribery was given his chance. The Laird of Balfunning was quickly won over; Sir James Campbell reported before the end of May that he had sent 'Sr James Livingston to John Buchanan of Balfunine with the Commissioners of the customs letter for instructing him, and have also given Sr James Twenty pound as pairt of his salary that he may not be straitned while he is instructed'. (2) Ardkinglas believed that bribery was likely to turn the scales in his favour, and that 'If I get Achinbowie, Powfouls, Balfunine and the Achintroigs, I reckon I have tuo vots more than the adverse pairty, Gartmore and Duchray will I hope be newtrall'. (2) He had already secured Balfunning, and Alexander Monro of Auchinbowie was considered to be a likely target for an attempt at bribery. According to Ardkinglas:

'he is a man of that consideration, that he had a pension of a hunder pound a year in the Duke of Roxbrughs time, which has not been payd him since he was turned out, he has a family of ten childrin, and very low in his Circumstances. I wish it was possible to gain him, and a fort that parlays will surrander.....I offered him forty pound Starlin, as a pairt of his bygone pension, which he claims, I know not how this will be approven of, he refused it, so I think ther is no hurt done, things as to him are yett open.....'. (2)

Ardkinglas's campaign went on so merrily that Lord Milton was obliged to send further supplies of money into Stirlingshire, most of which presumably was expended on entertainment. (3) Offers of

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1. Ardkinglas to Lord Milton, 15 May 1734: Saltoun 22
2. Ardkinglas to Lord Milton, 22 May 1734: Saltoun 22
3. Ardkinglas to Lord Milton, 20 May 1734: Saltoun 22

places were usually welcomed, but there were exceptions even among those gentlemen who actually needed employment. James Bruce of Powfoulis, for example, was one of the needy gentlemen whom Ardkinglas hoped to secure in spite of the fact that he had supported the Duke of Montrose's interest at the last two elections. Lord Milton believed that Bruce would be gratified by an offer of employment for one of his sons, but the offer was not well received. According to Sir James Campbell's report:

'Powfouls is affronted at your letter, for a Salt officer heir in the country is an approbrious name, and all dispise it, but with submission if on of his sons could be a Land waiter, it would sound better.....and I know ther are Land waiters posts the salary wherof is not above tuinty five pound a year as for example Borrowstonness, wher ther is on John Lyon who has been ther nine or ten years with great approbation of his superiors, if he could be provided better, and on of the sons provided heir near home it might be a bait.....'.(1)

A definite promise was made to John Cunningham, younger of Banton, that he should be given the office of Keeper of the Register of Sasines at Stirling, and this gained three votes for Ardkinglas, for the gentleman in question, his father, and his uncle were all freeholders in Stirlingshire. Another freeholder, Moses Buchanan of Glims, was given a similar offer of the register of sasines at Glasgow for one of his sons.(2) By such means Sir James Campbell built up a party in the county in spite of his late start, and as the day of election approached the two parties were seen to be closely balanced.

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1. Sir James Campbell of Ardkinglas to Lord Milton, 20 May 1734: Saltoun 22

2. Ardkinglas to Lord Milton, 3 June 1734: 'I have given a simple bill to a third person of a hunder and forty pound starlin, the privat condition is to procure the survivorship of the register of seasions to Moses Buchanan of Glims his son betwixt and martirmas nixt.....'. Saltoun 22.

The issue was so uncertain when the freeholders met to elect their representative on the 30th May 1734, that Sir James Campbell was still actively trying to gain votes. 'Ther was a frind of ours who is in indifferent Circumstances', he remarked, 'ther was a Caption for fourty pound Sterlin to be exacted by the adverse party against him....he never askt a fardin, but ther was methods taken with the messinger to delay the execution of it till the Election is over'.(1) Ardkinglas had been negotiating with Moses Buchanan of Glinns, but he reached an understanding with him only at the very last moment, for:

'Mr.Buchanan.....Insisted that I should procure for his Son the Consent of the Ministry to ane agreement he had made, with one John McCure at Glasgow, who was keeper there of the Register of Seasines of the Shire of Renfrew and a part of the Shire of Lanark, Or upon failure of this, That Sir James Livingstone and I should give him our Conjunct Bill for £140 Str. which was done at the very time the Bell was Ringing for the Election, by which means I Carryed my Election by two Votes.....'.(2)

Sir James Campbell's recollection of his majority is not, however, supported by the Freeholders Minutes, which show that he entered the election meeting in a much stronger position than apparently he himself believed. According to the minutes, William Stirling of Herbertshire, one of Ardkinglas's friends, was chosen to be preses by a majority of six votes.(3) This discrepancy would appear to bear out the allegation made by Lord Erskine after the meeting that Henry Cunningham of Boquhan manipulated the meeting in order to secure the desired result. As the last representative of the county,

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1. Ardkinglas to Lord Milton, 3 June 1734: Saltoun 22.

2. Ardkinglas to Lord Milton, 8 November 1739: Saltoun 31.

3. Freeholders Minutes, 30th May 1734: SC67/59/1/33

Henry Cunningham was in a good position to influence the initial proceedings, for he presided as the votes were taken for the chairman of the meeting. The minutes of the 1734 election, although voluminous, have some notable discrepancies, in particular, although they list all the freeholders present at the meeting, they give no indication of how they voted, beyond the simple statement that William Stirling was chosen to be preses and Sir James Campbell was elected to be the representative of the county. The majorities are given in the minutes but the Clerk did not enter the names of the voters in his record. This was not the normal procedure, for it was customary to list the supporters of each candidate. Incomplete though they are, the minutes nevertheless give some indication of what occurred during the meeting, and if they are slanted in favour of the Court party, the Patriot case can be read in the minutes of the House of Commons Committee of Privileges and Elections.

According to the minutes of the election, Gabriel Napier, the new Sheriff-depute, produced the writ and the evidence that he had published the date of the election throughout the county, and then handed a Roll of the Freeholders to Henry Cunningham, the parliamentary preses, who proceeded to call the names contained in this list. The Roll contained 36 names, and as the minutes state, the barons named therein all stood on the Roll at the election of 1727. Once again a party in a contested election chose to disregard enrolments made at Michaelmas Head Courts. The majority of the freeholders in

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this Roll, 21, voted for William Stirling of Herbertshire to be preses, which would clearly have been a decisive victory had this been the total number of freeholders in Stirlingshire. Lord Erskine contended in his petition, however, that 'the Votes of Eight Freeholders who were duly Inrolled and offered to Vote for Mr. James Graham of Airth, Advocate to be preses and James Don to be Clerk were rejected which said Graham and Don would have been chose by a Majority of Two allowing those eight Votes'.(1) The truth of the case is almost impossible to determine at this time in the absence of complete minutes, for the Freeholders Minute Book recorded only election minutes at that period, many Michaelmas meetings being ignored. Almost certainly there was a second book in which the proceedings at the Head Courts were recorded, but this does not appear to have survived. Nevertheless, on this point, the balance of probability is clearly on the side of the Patriots, for there is independent evidence that freeholders were enrolled at Michaelmas meetings between the elections of 1727 and 1734.(2)

The minutes state that the 36 named freeholders 'all qualified according to law by taking the oath of allegiance etc'.(1) Lord Erskine, however, complained that they 'did not take the Oaths to Qualifye themselves as required by Law tho demanded'.(1) Superficially these statements appear to be mutually contradictory, but in fact they are quite compatible, for Erskine referred to the oath

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1. 'Minutes of Committee of Priv. & Elecns.....in the Contested Election for the County of Stirling'.(Copy) GD124/62; and Freeholders Minutes: SC67/59/1/83
2. Montrose to Gorthie, 20 October 1733: 'you send me likewise a list of these Freeholders inrolled att the last Michaelmas head Court, the names of others that are to be inrolled, & a list of those who stood formerly on the Roll. I find indeed the number greatly increast of late....'. GD220/5/11

for the prevention of bribery and corruption, which the Court party, for obvious reasons, was reluctant to impose upon its supporters. According to Lord Erskine's petition, when several of the freeholders asked that the oath against bribery should be taken by all persons present, Henry Cunningham of Boquhan declared 'that there was no Occasion for taking those Oaths, before the Rolls were made up', and as parliamentary preses refused to administer them.(1) This was one of the many ambiguous points in Scottish electoral procedure which leant themselves to the manipulation of election meetings, and it was not finally resolved until the statute 37 Geo. 3, c.138, which at last removed the advantage possessed by the party of the incumbent in an election.(2) Certainly in 1734 the advantage lay with the Court party.

The Government party, having arbitrarily excluded from the Roll all of the Opposition freeholders enrolled at the Head Courts, had a majority of six votes over the Patriot party,(3) which on this occasion included a number of independent freeholders, who had discovered that there were more dangerous enemies of the freedom of Stirlingshire than the Duke of Montrose. The majority chose William Stirling of Herbertshire, a well-known Argathelian, as preses, and John Finlayson, a Stirling writer, as their clerk, and then proceeded to deal with the considerable body of claimants who awaited their consideration, of whom eighteen were individuals and

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1. 'Minutes of the Committee of Elections'. Mar & Kellie:GD124/62
2. This reversed a decision by the Court of Session in the case of Grant v Duff, 24 February 1773, that the Trust Oath could only be put after the election of preses and clerk. The Court's interpretation of the law was perfectly reasonable in view of the ambiguity which remained in the Act 7 Geo.2, c.16.
3. Freeholders Minutes SC67/59/1/83

and two the representatives of corporate bodies.(1) As one would expect in the circumstances, the only four claimants to be rejected were in the interest of Lord Erskine, and at the same time several questionably qualified voters were enrolled for the Government party.

Eight of the new freeholders put onto the Roll at this meeting undoubtedly had good claims on the basis of the valued rent of their estates, and although divided between the two parties these lairds were enrolled without controversy. Two other gentlemen were also enrolled with little opposition, although the well-known Jacobite, Sir Archibald Primrose of Dunipace, who claimed as apparent heir of his father who had died as long ago as 1707, was required to take the oath of allegiance immediately after his enrolment. From the final vote it may be deduced that most of these good voters were in the interest of Lord Erskine, for the remaining successful claimants were all supporters of Sir James Campbell of Ardkinglas.

The claims of five of Ardkinglas's friends shared a single defect; they were all founded on the old extent of their lands, but they produced no evidence to establish the extent other than their charters, which was no proof at all in law, or, in the single case where a retour was produced, it was dated in the year 1730, whereas the law required that it should be dated before the year 1681. Other objections were made to these claims, but as retours were not produced, the claims should have been rejected for that defect alone. All

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five, however, were put on the Roll. The remaining successful claimant was the representative of the City of Edinburgh as administrators of the Trinity Hospital which possessed the superiority of the lands of Rollo of Powhouse. The Edinburgh commissioner supported Ardkinglas, and consequently on this occasion was able to make good his pretensions in spite of the fact that he refused to take the Trust Oath. The contrast between the treatment accorded to the Edinburgh commissioner and that given to the Master of Cowan's Hospital clearly establishes how openly this election was rigged in the interest of Government. The town council of Edinburgh had named a writer to the signet, George Irvine of Newtown, as their commissioner, and Irvine fully established that Edinburgh had a right to the superiority of the lands of Robert Rollo of Powhouse. The Patriot party nevertheless objected to Irvine's enrolment, and insisted that if he was to be put on the Roll he should take the Trust Oath before he was allowed to vote. Clearly Irvine was not in possession of a freehold estate, for the property of the lands belonged to Robert Rollo and the superiority to the Trinity Hospital, while Irvine was no more than a delegate. Since Irvine was a delegate rather than the manager of the Hospital lands he declined to take the oath in the form in which it was normally stated. Accordingly, Irvine 'having declared openly in the meeting that he could not take the oath in the words set down in the Act of Parliament, Graham (of Airth) desired he might let it alone, and that if any such qualified oath should be administred to him, or that he presume thereupon to vote,

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'such proceedings shall be deemed illegal'.(1) Nevertheless, Irvine and the preses of the meeting, William Stirling, contrived to make up an oath which Irvine felt able to take, and he was put on the Roll. A little earlier in the day, however, Bailie John Gibb, a claimant in the interest of Lord Erskine, had produced a copy of an act of the council of Stirling appointing him Master of Cowan's Hospital in the room of the former Master, James Littlejohn, who stood on the Roll.(2) The Hospital Master had a much better claim to a vote than had the City of Edinburgh. The Master was not a delegate in the sense that Irvine was one, for he was the administrator of the Hospital's property, and the right of the Master to vote in county elections had been sustained by the Scottish Parliament in 1681.(3) The right of the Hospital to a vote was not in fact contested, 'nor could it have been decently done for Sir James Campbell when Balquhan who was his chief mannager, in whose behalf that vote had been sustained at the preceeding Election, and also at the Election 1708, and as appears by the minutes the only Objection made to Mr.Gibs vote was, as to the validity of his Commission'. (4) The objection made by the friends of Sir James Campbell, in short, was a claim that when a Hospital Master had been chosen by the town council of Stirling he had security of temure in his office, and could not be replaced during the term of his appointment. In their

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1. Freeholders Minutes: SC67/59/1/102
2. Freeholders Minutes: SC67/59/1/92
3. 'Votes for Lord Erskine unjustly rejected': 'The Scots Parliament 6 August 1681 in the contraverted Election for the Shire of Stirling determined that a master of a Hospital haveing Lands mortified thereto holden of the King, being a fourty shilling Land, or Ten Chalders of Victual, being Kirk Land holden of the King, wherein the Master is infeft, may have a vote..'.GD124/62
4. 'Votes of Lord Erskine unjustly rejected'.GD124/62

view Provost Littlejohn was still the Hospital Master, whereas Bailie Gibb pointed to a by-law of Stirling made in the year 1711, which gave the patrons of Cowan's Hospital full power to change the Master at will. The freeholders obviously had no power to make laws for the government of the burgh of Stirling and the charitable foundations situated within its bounds, so that in the absence of any objection to the Hospital vote as such it would appear that Gibb had an unanswerable case, but his enrolment was refused. Clearly, in this party contest, there was little attempt to decide claims on their merits.

The three individuals whose claims were rejected must be considered separately, for their cases provide further evidence of the Court party's violently partisan behaviour. First to be rejected was John Glass of Sauchie, a substantial landowner who was active in the Erskine interest. Sauchie claimed enrolment as the apparent heir of his father in the barony of Sauchie, an estate valued at no less than £2062 Scots. The Scottish Act of Parliament 1681 allowed votes to 'appearand Heirs, being in possession, by virtue of their predecessors infeftment', and Sauchie had accordingly been enrolled at the last Michaelmas Head Court.(1) John Glass's father's death was fairly recent, but before he had died the old laird had resigned his lands in favour of his son, and the latter had obtained a Crown charter proceeding upon this resignation. No one denied the facts stated, that Sauchie was in possession of lands holding from

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1. Freeholders Minutes, SC67/59/1/84-5

the Crown and valued at some five times the sum required for a qualification. The lands had been held by John Glass's father and grandfather before him, both of whom had stood on the Roll of Freeholders, but Sauchie's claim was rejected on the ground that he had not been a year infeft, and that the disposition by his father in his favour had cut off his right of apparenacy. Legally this was a very uncertain point and one which it would rarely be worth anyone's while to take further, for a year after his infeftment on the new charter Sauchie had an indefeasible right to a vote, but the freeholders action meant that he could not vote at this election. Sauchie's case was mentioned of course in the case made by Lord Erskine before the House of Commons Committee, though to little purpose, for the committee made no attempt to decide such difficult questions.(1)

During the course of the election meeting Lord Grange's claim for enrolment as liferenter of the estate of Bannockburn was heard. This right was one of those obtained by Grange in the course of his efforts on behalf of his Jacobite friends who had been forfeited for their part in the Rising of 1715. In this case Grange had purchased the estate of his brother-in-law Sir Hugh Paterson of Bannockburn, the former member of parliament for Stirlingshire. The barony of Bannockburn was valued in the cess books at £1138 Scots, but Grange held the lands by a curious form of tenure which lay somewhere between the normal liferent and a proper wadset. The

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liferent, in the first place, was not for Grange's life but for that of the forfeited Sir Hugh Paterson, and during his term in possession of the estate Grange had full powers to burden or alienate the lands at his pleasure, so that his right was clearly more than a normal liferent. But there was more to it than this, for 'In case the said late Sir Hugh Paterson shall dye before the said James Erskine and his heirs be paid and relieved of the Debts contracted or to be contracted on account of the said Estate, then the fore-said Liferent powers and facultys shall continue with him and his heirs.....while they be paid and relieved as said is'.(1) James Erskine of Grange would therefore appear to have every right to vote for the lands of Bannockburn since, if the term liferent is ignored, his right can be regarded as a proper wadset, which gave him and his heirs full possession of the estate with right to sell or incur debts, until they had recovered the purchase price of £7388 which Grange had paid to secure the estate for his nephew Hugh Paterson. The charter itself is extremely complicated, for it is in effect an entail defining the succession of the fee of the estate failing Hugh Paterson and always reserving the rights of Grange and his heirs. Quite clearly this document was not produced in order to provide Grange with a qualification in Stirlingshire, but his claim nevertheless was rejected. On this occasion, however, the Freeholders Minutes suddenly dry up, and the entry is confined to the unhelpful statement that 'the vote, after reasoning, being stated Inroll the said James Erskine or not ? And it was carried

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1. Freeholders Minutes: SC67/59/1/104

in the negative by a plurality of votes'.(1) It is difficult to see what reasoning could justify such a decision on the basis of the facts presented to the meeting, but unfortunately the reasoning was kept from the record.

The last claim to be rejected was that of Sir Michael Bruce of Stenhouse, who, like Sauchie, claimed a vote as the apparent heir of his father who had stood in the Roll for the same estate. The lands of Stenhouse were valued at £639 Scots, which should have afforded a good qualification, but once again the minutes are not helpful, for they give no indication of the reasoning which justified the rejection of the claim. Some information, however, may be gathered from the papers prepared in connection with Lord Erskine's petition against the return of Sir James Campbell. Sir Michael's father had been a vassal of the forfeited Earl of Linlithgow, and the question depended upon whether effective steps had been taken to take advantage of the Clan Act in order to secure the superiority of Stenhouse. If this had not been done, then Sir Michael Bruce would hold his estate as the vassal of the York Buildings Company, as coming in place of the forfeited Earl, but on balance it would appear that the freeholders were wrong to reject Bruce's claim, for he had produced his titles to the meeting, while those who opposed his enrolment brought no evidence to support their allegations at the meeting. Even when the question was raised before the Committee of the House of Commons the only proof offered to justify the reject-

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ion of Sir Michael Bruce's claim was 'one Parol Evidence who said he had wrote Papers in the office of one of the Commissioners of Forfeitures in Scotland, Which was not a Post in said Office, but made him at most an under Clerk's casual servant'.(1) The question was not settled by the committee, however, for they were much more concerned to confirm the return of the Court candidate than to redress a wrong or discover what had actually happened. The House of Commons Committee of Elections appear to have been just as partisan as the freeholder majority, for they even allowed to pass unchallenged the ridiculous reply of Sir James Campbell's counsel that 'They relied upon the Objection made to the Inrolment of Sir Michael Bruce, at the time of the Election, the Minutes whereof mention, That a Question was put to inroll Sir Michael Bruce; and that an Objection being moved viva voce, it was carried, Not to inroll; but what the Objection was, does not appear'.(2) Since the Act of 1681 laid down that an objection which was not stated at the meeting of the freeholders could not subsequently be made elsewhere, and the only possible evidence for such an objection lay in the official record or in a written instrument of some kind, no case of any kind had been made against Sir Michael Bruce. In Bruce's case no one seemed to know why the gentleman had been rejected, and counsel for the sitting member appeared to imagine that the Roll of Frecholders was some kind of club, whose prospective members might be blackballed by the existing freeholders with no reason assigned for a refusal.

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1. 'Certified Voters in the Election for the County of Stirling; And that the Petitioner had a Majority of legal Votes'.
Mar & Kellie GD124/62
2. 'Journal of the House of Commons', vol.22, p.664

The rejection of Sir Michael Bruce's claim was almost the last stage in the systematic manipulation of the election meeting in the interest of the Government supported candidate. After objections had been heard against a number of freeholders already on the Roll, in which the only casualty, John McLauchlan of Auchintroig, needless to say was a friend of Lord Erskine, the meeting proceeded to elect the representative of Stirlingshire. According to the minutes, 'the question being put to the vote and rolls called, it carried by a majority of five that Sir James Campbell of Ardkinglas should be member'.(1) The implication is that there was another candidate, but Lord Erskine is not named, nor is there a list of voters in the minutes. Lord Erskine naturally brought up this point in his petition to the House of Commons, claiming that this was a deliberate attempt to conceal evidence and avoid the justice of Parliament. But if Ardkinglas had ever felt any apprehension that justice might be found in Parliament he was speedily reassured, and in point of fact Lord Erskine's appeal was an expensive waste of time. No effort was spared in Parliament to ensure the continued possession of the Stirlingshire seat by Sir James Campbell as a friend of Government. It was a committee to seat Ardkinglas rather than a committee of enquiry.

The attention of the Committee of Elections seems to have been directed chiefly towards the suppression of evidence rather than to an impartial consideration of the case presented by the opposing

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1. Freeholders Minutes: SC67/59/1/113

counsel. Lord Erskine's counsel began by trying to get an extract of the minutes of the Michaelmas Head Court of 1727, at which a number of the rejected Erskine voters had been enrolled, admitted in evidence. The Committee of Elections, however, rejected the paper as insufficiently authenticated, but refused to hear any evidence in support of its authenticity. This decision ensured that the majority of the freeholders at the opening of the election meeting were favourable to Ardkinglas, by confining the Freeholders Roll to the 36 gentlemen named in Henry Cunningham of Doquhan's list.(1)

Notwithstanding this early setback which seriously damaged Lord Erskine's case, his counsel passed to the question of the absence of any record of the voting at the election meeting, but the Committee in its wisdom decided that the clerk of the meeting was not obliged to mark for whom each freeholder voted. Moreover, counsel for Sir James Campbell proceeded to try to establish that in the absence of any record, there could be no proof that votes had not been received, and that in consequence there was no case to answer. Counsel for Lord Erskine, however, produced a witness, Thomas Christie, a Stirling writer who had been present at the election meeting, and proposed to have him give evidence from memory. This move was successfully resisted by Ardkinglas's counsel, who in turn produced a witness, John Finlayson, who had acted as clerk to the election meeting, and as such had been

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1. Minutes of the Committee of Privileges and Elections.
GD124/62

responsible for preparing the defective minutes. Finlayson at first claimed that he had given the Erskine party a list of the freeholders, distinguishing for whom they had voted, but under cross examination he admitted that four gentlemen who had been refused enrolment, and one freeholder who had been struck off, had also voted for Lord Erskine under protest. Finlayson's list had been made up several days after the election, and was of questionable accuracy, for:

'Being Examined as to the Method he took to cast up the Numbers at the time of the Election, he said that he drew paralel lines opposite to each Candidates Name & made marks cross each line according as the Freeholders voted without setting down the Names of such Freeholders, but that he afterwards remembered them particularly.....He was asked if he could distinguish how the 5th, 6th or 7th Person called over by Name voted, he said he could not.....'.(1)

When Finlayson's paper was produced by Thomas Christie, it was seen to show 28 votes for Sir James Campbell and 23 for Lord Erskine, and if the method was to be accepted the whole question turned on the matter of the claims for enrolment. Unfortunately for Erskine the Committee of Elections made no attempt to consider the claims for enrolment objectively, and after both parties had been heard it seems almost certain that a single vote was taken that Sir James Campbell had been duly elected. Altogether it would be difficult to refute the opinion of the Scottish judge, Hew Dalrymple, Lord Drummore, that the House of Commons in their handling of this

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1. 'Journal of the House of Commons', vol.22, p.663

election petition had been guilty of the most gross partiality.(1)

The corruption and political manipulation in which the Court party engaged at this election, both in the county of Stirling and in the Stirling Burghs , is a reflection of the great importance which the Government attached to keeping Lord Grange and his nephew out of Parliament.(2) The artificial majority created for Sir James Campbell did not long survive his election, and several unquestionably bad voters were struck off the Roll in the next few years. Open bribery was something new in Stirlingshire politics and it was not welcomed. In a small community it was impossible to keep the matter of bribery from being discussed, for Ardkinglas had approached freeholders like John McLauchlan who had subsequently supported Lord Erskine, and this was likely to harm both Sir James and his masters, Argyle and Hay. Ardkinglas had been supplied with money to finance his campaign,(3) and patronage had been provided or promised, but in spite of this outlay there was no return in the form of a permanent majority for Ardkinglas, and the friends of the Duke of Montrose were soon able to make a remarkable recovery, assisted once again by the independent freeholders.

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1. Lord Drummore to James Erskine of Grange, 9 April 1736: 'Nothing of Elections kind except they had thrown out your self could touch me so sensibly as the monstrous.....injustice Poor Lord Erskine hath met with. The house had till that time proceeded wt a shew of Impartiality, I am sorry they have made him the first instance of the most outrageous partiality. Lord pity the nation that nath such guides.....'. GD124/26/2164
2. See Chapter Ten.
3. Sir James Campbell to Lord Milton, 3 June 1734: 'I fear I have spent more money than will be approven of though I belive the money I have received will go near to clear all my expenss to a little.....'. Saltoun 22.

The Montrose faction lost ground at the beginning of the 1734 election campaign, and if Lord Ilay sacrificed some of the Court party's initial advantage by changing their candidate, at least there was only one Government candidate in the field at any given time, whereas there had at first been two candidates soliciting votes as friends of the Duke of Montrose. The Duke was finally persuaded to agree to the arrangement which his friends had made with the Erskines, but he did not like it, and his support for Lord Erskine was rather tepid. Montrose did visit his house of Buchanan during the spring of 1734 after the Parliament was dissolved, and while he was in residence he paid courtesy visits to, and entertained the gentlemen of the district, but this was probably from a desire to preserve his family interest rather than a manifestation of any real determination to fight for Lord Erskine.

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1. Montrose to Gorthie, 22 February 1734: GD220/5/11

(2) The Election of 1741.

The events of 1733-4 which culminated in the victory of Argyle's friend, Sir James Campbell of Ardkinglas, gave the Duke of Montrose clear warning that he would have to look to his interest in the county of Stirling if he hoped to satisfy his ambition to see his son Lord George Graham chosen to represent the county. The election of 1734 confirmed Sir Robert Walpole at the head of affairs, and the Duke was in consequence excluded from any share in Government patronage, and patronage in some form was undoubtedly the cement which held a political interest together. Nevertheless, even in opposition, the Duke was not without resources, and made the best possible use of what he had.

Shortly after the election of 1734, Montrose wrote to his friend Brigadier Halket, who was colonel of one of the regiments of the Scots Brigade in the service of the United Provinces, to ask for places for some of his dependants. Political circumstances in the Netherlands prevented the Brigadier from granting Montrose's request for commissions, but Halket hoped to be in a position to provide them at a later date.(1) Greater success was obtained, however, with East India patronage, and through the influence of Lord Wilmington with the East India directors, a son of Stirling of Keir was appointed to the Company's military service.(2) A further and more important resource, however, was the private patronage of

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1. Brigadier Halket to Montrose, 26 August 1734: GD220/5/11

2. Montrose to Gorthie, 8 April and 4 October 1737: GD220/5/12

the Montrose estate. William Weir, for example, was procurator-fiscal of the regality court, but he also held the offices of town clerk of Rutherglen and commissary of Hamilton, and since he usually resided at Rutherglen he did not attend the court regularly enough to please the bailie-substitute, who asked the bailie of the regality to remove him.(1) The Duke of Montrose was very anxious to fill this vacancy in a way which would do most good by giving the post to a son-in-law of Buchanan of Glinns, one of the freeholders. 'I have all the reason in the world to be on my guard, and to endeavour to make as many friends as I can to George, for verie probablie all methods will be try'd to disapoint him', he wrote, 'for which reason I'm hopefull his friends will have a watchfull eye that no oportunity may be slipt of aiding him as much as we can.....'.(2) Lord George Graham also had some patronage in his gift, for he was an officer in the Royal Navy and had a command, although at first his ship was too small to provide many posts.(3) When, however, Lord George was appointed to command the 'Adventure' a 40 gun ship, in March 1740, one of his first actions was to send for a gentleman whom Mungo Graeme of Gorthie had recommended for appointment as surgeon's mate.(4) Sons of the Lairds of Balfunning

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1. James Graham, Bailie of Regality, to Montrose, September 1739: GD220/5/11
2. Montrose to Gorthie, 10 September 1739: GD220/5/12
3. Montrose to Gorthie, 18 August 1739: 'Glengeils son is on board the Adlls. Ship the Namure and not Ld George's Fire Ship....Ld George has recommended the young man to the Lieuits. of the Namure. You are sensible its fitt it be understood wt you that this man is not, as I have said, in Ld George's Fire Ship, for that might give umbrage to Achinbowie and Balfunning, whose sons Ld George is determin'd to call for, when the Adly. shall think fitt to give him a better command.....'. GD220/5/12
4. Lord George Graham to Gorthie, 18 March 1740: GD220/5/4

and Auchinbowie were also taken into this ship, (1) and the possibility of providing for younger sons by this method must have influenced other gentlemen in the county.

Lord George Graham was not a freeholder in 1734, but shortly after that election steps were taken to provide him with a vote in Stirlingshire and three other counties where the Montrose family had interest. To provide his Stirlingshire qualification, Lord George was given the whole of the barony of Dundaff, which was valued at £670 Scots. The barony, although largely possessed by vassals, was not an inconsiderable property, for it produced feu duties worth £229 annually, while an additional windfall was about to accrue to the new baron, for a substantial farmer was about to be convicted of theft 'by which means his lands forfeit to the Superior'.(2) Lord George's vote in Stirlingshire cannot therefore be regarded as nominal, for the lands produced a considerable return to the superior, and the barony was disposed to Lord George and his heirs male.(3)

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1. Montrose to Gorthie, 21 March 1740: (He calls for the sons of Auchinbowie and Balfarning to be sent to Lord George's ship at Sheerness, and offers to assist with the charges.) GD220/5/12
2. Memorial from Gorthie re Lord George's votes 1735: 'McLay in Easter Craigannet is, or soon will be convicted of Theft etc'. GD220/5/11
3. Montrose to Gorthie, 4 January 1735: 'I agree that Ld George should have the whole Baroney of Dundaff by which his vote will be unquestionable good.....This its true is giveing something real from my family, but then its giveing it to a second son and the Heirs Male of his body, so that its no loss, since failing heirs male of him it most be made to return again to the family. The few dutys most hereafter belong to him and the Casualetys of the waird lands....'. GD220/5/11

As a naval officer, Lord George was not well placed to pay those attentions which the gentlemen of the county expected from those who hoped for their votes, and accordingly his elder brother, the Marquis of Graham, took his place, and made an extensive tour through the district during the summer of 1735, and thereafter maintained a correspondence with the leading barons.(1) Lord Graham as a British peer, did not have to concern himself with his own election to Parliament, but he was prepared to make an effort to assist his brother in order to maintain the family interest in Scotland. There is a very revealing passage in one of the Duke of Montrose's letters, written when the House of Lords was considering the events at Edinburgh which had culminated in the murder of Captain Porteous, in which he remarks that 'as long as any material point concerning Scotland is depending I can't see how Lord Graham can leave the House. It would certainly be ill taken in his own Country if he did'.(2) The Marquis of Graham had a hereditary seat in the House of Lords, but his independence was only relative. It was by watching over Scottish interests and corresponding with the gentlemen who adhered to his family, that Lord Graham prepared himself to succeed his father as the leader of the family interest, and worked for the immediate objective, the election of Lord George at the next opportunity.

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1. A number of Montrose's letters in the period 1735-7 refer to Lord Graham's contacts with the freeholders. GD220/5/11 and 12.
2. Montrose to Gorthie, 6 May 1737: GD220/5/12

It was known soon after the election of 1734 that Lord George Graham intended to offer his services to the county at the next dissolution, and at first it seemed that he might meet with no opposition, for Sir James Campbell of Ardkinglas had entered Parliament as the member for Stirlingshire in order to please his chief rather than from any ambition of his own. By the autumn of 1739, however, it was rumoured that there might be opposition, and Montrose redoubled his efforts to cultivate his interest in the county.(1) All of the Duke's attention was given to securing Stirlingshire for his son, and he turned down an attractive opportunity to join forces with Colquhoun of Luss in the county of Dumbarton against Colonel Campbell, the representative of the Argyle interest. Normally Montrose would have jumped at this opportunity, but on this occasion he declared: 'I conceive it would be highly improper for me to have too many Irons in the fire, or to meddle wt Dumbarton Shire at this time, even tho I had a much better footing in it than I have, Stirling Shire is my principal point'.(2)

The annual Michaelmas meeting was always something of a social occasion as well as a time for transacting county business, but in 1739 the festivities reached new heights, being enlivened by a race meeting and an assembly, to which the Montrose family felt obliged

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1. Montrose to Gorthie, 1 September 1739: 'Dugalstoun writes to me that he begins to suspect there will be some oposition to Ld G(eorge) in Stirling Shire, I hope my friends will be on their guard, not only to get intelligence, but to prevent as much as possible, all schemes in opposition to his interest..'.GD220/5/12
2. Montrose to Gorthie, 17 September 1739: GD220/5/12

to become the leading subscribers, for it was by such means that the family influence was sustained, and the Duke seems to have been seriously alarmed by the prospect of a rival candidate who might upset his cherished scheme.(1)

Further alarm was occasioned in January 1740, when Montrose was informed of the serious illness of the member of parliament for Stirlingshire, Sir James Campbell of Ardkinglas. 'I'm sorry to heare from Scotld. that Sir James Campbell is thought to be in a verie bad way', wrote Montrose, 'I wish we may receive the news of his recovery. A vacancy at this time behov'd to give us trouble'.(2) Lord George's likely rival was Sir Charles Erskine of Alva, a newcomer to Stirlingshire politics and not yet an enrolled freeholder. Nevertheless Alva was trying his interest with the gentlemen of Stirlingshire, and it seemed probable that a new batch of nominal votes would be created to reinforce what interest Sir Charles could establish.(3) The sitting member, Sir James Campbell, recovered from his illness, but he was not a young man and had agreed to enter Parliament in 1734

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1. Montrose to Gorthie, 17 September 1739: 'Buchlivie in a letter to Ld Graham.....acquents him, that the Gentlemen in Stirling Shire had begunn a Subscription for Races and ane Assembly..... (and tho it be perhapes beginning a foolish & expensive scene) since the Gentlemen in general apear to give into it....Buchlivie was certainly in the right to appryse us of it, for considering my Estate in that Shire, and that Ld George has offer'd his Service it will no doubt be expected that the whole family should subscribe....Certain it is we must be the highest subscribers for that will be expected.....'. GD220/5/12
2. Montrose to Gorthie, 12 January 1740: GD220/5/12
3. Montrose to Gorthie, 1 and 29 February 1740: 'This morning I received yrs of the 18th, the many Charters lately past in Exqr. planely show what is intended.....'. GD220/5/12

only to oblige the Duke of Argyle, and he was not expected to stand again. The interest which he had established by a mixture of bribery and promises was not in a very healthy condition, for many of the promises remained unfulfilled. 'As it is very possible I may die as well as others, it were not amiss in any event to secure this County which you know can never be done, but by obliging those who have faithfully served you', Ardkinglas warned Lord Milton,(1) but even as late as November 1739 some of the promises made in 1734 had not carried into effect, and Sir James Campbell himself sustained financial loss through the reluctance of the Government to relieve him of such obligations.(2) Clearly Ardkinglas would have no reason to wish to oppose Lord George Graham.

By the spring of 1740 Lord George had formally declared his intention of asking the freeholders for their votes when Parliament should be dissolved, and it was clear that the contest was to be between Lord George and Sir Charles Erskine of Alva. Montrose urged his friends to make every effort to secure promises of support:

'I do not question the good wishes and zeal of my friends', he wrote, 'but you'll allow me to recommend likewise activity, for upon such an occasion, and especiallie after a formal declaration, if there appeared a deadness want of spirit and inactivity on our part, it might be attended wt bad consequences.....God willing I shall be in Scotland before the end of May, But the matter most not be let sleep till that time, my friends most keep things alive by a constant intercourse and corispondence wt a view as much as possible to knock down the opposition while its in the bud.....'. (3)

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1. Sir James Campbell to Lord Milton, 4 October 1734: Saltoun 22
2. Sir James Campbell to Lord Milton, 8 November 1739: Saltoun 31
3. Montrose to Gorthie, 27 March 1740: GD220/5/12

The Patriot coalition which fought the election of 1734, reverted almost at once to the normal interest groups as soon as that contest was over, and Montrose was obliged to build a new party for his son. The accession of James Erskine of Grange to the new coalition in March 1741 greatly strengthened Lord George's interest, but the Duke of Montrose could not afford to relax his efforts, for although Sir Charles Erskine did not appear to be a dangerous rival, the Duke was rightly apprehensive of further moves by the Earl of Hly and Lord Milton.(1) But if Grange's support was valuable, the Montrose interest gained an even more important ally in June 1740, when the Duke of Argyle reached an understanding with Montrose, whereby they agreed to give mutual support against Sir Robert Walpole and Argyle's brother Hly.(2) In spite of the support of Argyle and Grange, however, Montrose felt obliged to undertake an extensive tour of Stirlingshire in order personally to canvass the freeholders. His age and infirmity, although making the journey inconvenient to himself, may have helped to impress the gentlemen with his courtesy in making personal visits. 'Hitherto our journeys have gone on verie well, and we have been verie kindly receivd every where', Montrose reported in September 1740.(3) As a result of these efforts, there

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1. Montrose to Gorthie, 1 April 1740: 'I have the pleasure to tell you....I have talkt fully wt Mr.E(rskine of Grange) who declares frankly of our side.....he is soon by a sure hand to write to his nephew Ld E(rskine)'.

Montrose to Gorthie, 7 April 1740: 'we know whom we have to dale wt, I don't mean the candidat whom you mention in yr last, but those who support him, therefor its no matter who is the candidat'.
GD220/5/12

2. James Graham of Killearn to Gorthie, 23 June 1740: GD220/5/24
3. Montrose to Gorthie, 5 September 1740: GD220/5/12

was a good attendance by Montrose's friends at the Michaelmas Head Court of 1740, which thus prevented Sir Charles Erskine's party from making any illicit use of the new charters which they had passed through the Court of Exchequer.(1)

The quarrel between the Duke of Argyle and the Earl of Hly effectively completed the dissolution of the interest which had secured Sir James Campbell's election in 1734, for Ardkinglas was loyal to Argyle not to Lord Hly. The outbreak of war with Spain, and the war on the continent of Europe appears to have played no part in the election campaign in Stirlingshire, although the burgh voters were pressed to urge the Government to take action against Spain and the question was probably discussed by the freeholders. Walpole undoubtedly incurred general Scottish hostility as a result of the Government's actions and intentions in connection with the Porteous affair, and the opposition which he encountered in Parliament may have induced some pro-Government freeholders to believe that the Minister was losing ground and that it might be wiser to leave him before it was too late; on the other hand, it is only

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1. Montrose to Gorthie, 11 September 1740: 'I have spoke to all the Gentlemen to attend the ensuing head court.....I believe this will be the best attended head Court that has been of a great while.....'.

Montrose to Gorthie, 14 October 1740: 'yrs of the 6th dated from Stirling wt a Copy of the Minutes of the Freeholders came to my hands. Considering how you were stated I agree.....things appear to be put upon a reasonable and fair footing....'.

GD220/5/12

too easy to exaggerate Walpole's danger prior to the election of 1741, and it would have required greater political dexterity than the average Scottish freeholder possessed to have anticipated his imminent fall. The campaign of 1741, therefore, appears to have been a traditional family contest, based on the interest of the Duke of Montrose and with the interest of the Duke of Argyle effectively eliminating that of his brother in Stirlingshire.

The Duke of Montrose's friends were continuously at work in Stirlingshire from the Michaelmas meeting of 1740 to the date of the election in June 1741. The vote of the Laird of Glinns, who had failed to obtain the office of procurator-fiscal of the regality, was secured by another appointment, that of clerk of the regalties of Mugdock and Lennox,(1) and the votes of many of the independent barons were secured by steady canvassing supported by personal appeals for support from both Argyle and Montrose.(2)

In spite of the set-back which the Court interest sustained from the Duke of Argyle's opposition, Lord Hay did not give up the struggle in Stirlingshire. The Government party employed the same tactics which had been so successful in 1734, and offered posts in Government service in return for votes. 'No question all the game will be playd', remarked Montrose, 'and if people of small fortunes are carried off by c(ommission)'s can I wonder at it? when I see what influence such baits have over their Betters. Still

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1. John Graham of Dougalston to Gorthie, 21 January 1741:GD220/5/24
2. Duke of Argyle to Archibald Edmonstone of Duntreath, 23 May 1741
GD67/3/160 Duntreath Muniments.

'I think its impossible for him to carrie it by numbers'.(1)

Unless the parties were closely balanced a few commissions could make little difference, for even after the outbreak of war commissions were in short supply, with many more applicants than could ever be satisfied. In the Stirlingshire election of 1741 it appears that the total patronage which could be spared amounted to only four posts, three in the army and one in the customs, which can hardly be called extensive bribery, although promises of future employment may also have been made. (2)

Sir Charles Erskine had one advantage in this contest, besides the limited amount of Court patronage, for he was able to conduct his own campaign. 'All his hopes is founded on Lord George's not being in this Countrey att the time of the election', John Graham of Dougalston reported.(3) Lord George's ship had been cruising at the eastern end of the Mediterranean, off the coast of Turkey, but he was ordered to sail for home in the spring of 1741, and by the 3rd May had reached Port Mahon in Minorca.(4) However, if there

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1. Montrose to Gorthie, 11 April 1741: GD220/5/12
2. David Graeme of Orchill to Gorthie, 25 May 1741: 'Gartmore assured me that he had it from Duchray's mouth that his Uncle George Stirling the Surgeon in Perth who was the interposed person that corresponded wt Lord John Murray about geting both Duchray's and Captain Stirlings Commissions, had promised in their name that his Lop. should have the direction of their votes both in Perthshire & Stirlingshire.....it seems to be beleived that young Cremannan has got a promise of a Commission in the customes...'.
GD220/5/24
3. John Graham of Dougalston to Gorthie, 4 March 1741:GD220/5/24
4. Montrose to Gorthie, 28 April 1741: GD220/5/12 and Lord George Graham to Gorthie, 3 May 1741: GD220/5/12

should be any political advantage to the Government in an early election, Gabriel Napier of Craignnet, the Sheriff-depute, would oblige his patron Lord Ilay. In any event, Lord George Graham was unable to make a personal appeal to the freeholders, and had to rely on the services of his father and brother, and their friends, which was an inadequate substitute.

Sir Charles Erskine's personal canvass was not decisive however, for before the end of May most of the freeholders in the west of the county had been engaged for Lord George. John Graham of Dougalston was particularly active in Lord George's interest, gaining the promise of the young Laird of Drummakill, William Buchanan, who gave an undertaking for himself and two other Buchanan gentlemen.(1) Nevertheless, the absence of Lord George Graham made his friends task more difficult, for they found that some of the voters had been encouraged to believe that a candidate could not be elected unless he was present at the election meeting. This story had been so carefully inculcated that Lord George's friends had considerable difficulty in winning over those who had heard it, even if they were otherwise inclined to support Lord George. One such was Nicol Graham of Gartmore, a baron whose opinion carried a great deal of weight in western Stirlingshire. According to David Graeme of

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1. John Graham of Dougalston to Gorthie, 18 May 1741: 'I had occasion to see young Drummakill, and after some conversation, he assured me that he, Carbeth & Gremannan, would all be for Lord George Graham in Stirlingshire; and I took occasion to cause him repeat what he had said to me befor six or seven Gentlemen, wch I think should tie him down if any thing will....'.GD220/5/24

Orchill, he had 'dined on friday last wt Gartmore who appeared frank enough and after considering the act of parliament seemed to be satisfied that no objection lay against lord George's being elected in his absence, tho before he had great doubts on that score'.(1) Clearly Lord George Graham's unavoidable absence seriously hampered his campaign and made his chance of securing election more uncertain. Undoubtedly Lord George was fortunate in having such active supporters among the barons of Stirlingshire in the Montrose interest, which in some measure compensated for his absence. John Graham of Dougalston, in particular, was at great pains to solicit votes for Lord George. 'I think I am pretty certain of Miller in Gumbernauld, having done him severall small favours this winter', he wrote, '& just now got him a Councill burgesse tickett att Glasgow wc he was anxious to have'.(2) Essentially any major interest was the sum of several smaller interests, such as that of Dougalston.

Although Sir Charles Erskine was unable to offer much in the way of Government patronage to offset the natural interest of the family of Montrose, he continued to fight, and toured the county during the month of May 1741. Sir Charles, however, was fighting a losing battle, and saw even his single real advantage, his personal canvass, turned against him, for although Lord George Graham was not in Scotland, a great many gentlemen of influence were active in his interest. Sir Charles, on the other hand, campaigned virtually single

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1. David Graeme of Orchill to Gorthie, 25 May 1741: GD220/5/24

2. John Graham of Dougalston to Gorthie, 18 May 1741:GD220/5/24

handed, sometimes accompanied only by his own servants, and it was difficult for him to make any lasting impression on the freeholders when his propaganda was immediately countered by one of Lord George's friends. Sir Charles complained that he was followed on his tours by agents of his rival,(1) and there seems to be something in his allegations. For example, John Colquhoun, a regality clerk in the service of the Duke of Montrose, reported that:

'Sir C(harle)s Left Glasgow this forenoon In his way throw Campsey & He was timeously in Bed last night in Moses Buchanans house after a short and hearty Drink in the tavern with Kilmarnan & Cremannan. I saw both of them immediatly after as I came in from my farm and have again seen Cremannan this forenoon, who in such way as he can Declares against the Knight as vastly Errant...' (2)

No freeholder of any real importance in the county of Stirling was active for Sir Charles Erskine, who was the candidate of Lord Hly alone, which was a poor foundation upon which to build an interest when he had none of his own.

The Duke of Argyle's opposition was probably the most serious blow to Sir Charles Erskine's hopes, for it cost him the support of the last member of parliament, Sir James Campbell of Ardkinglas, who might have provided invaluable assistance. Sir Charles was well aware of Ardkinglas's influence, and during his canvass it was reported that 'Sir Charles gives out that he was not to proceed further in this affair unless he got the family of Gargunock for him and that its on the assurances he has from them he came this

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1. John Graham of Dougalston to Gorthie, 18 May 1741: 'another story is given out I think they say by Sr Charles Erskine, that there was a spy sett to observe his motions, and that on his leaving Edr. the Duke of Montrose sett out for Stirling in an hour after'
GD220/5/24

2. John Colquhoun to Gorthie, 25 May 1741: GD220/5/24

'length'.(1) In May 1741 it was rumoured that Sir Charles was to get this assistance, for 'Sr James Livingstone's Son is assured of a Captain's Commission, whereupon Sr James Campbell is to goe to Argyleshire & not be present and that the rest of the family is to vote for Sr Charles'.(1) There may have been some grounds for this rumour, but its accuracy cannot now be established, for there was no contest on the day of election. Nevertheless, even if the rumour were true, the utmost extent of the support to be expected from the family of Gargunnoch was that some of them would vote for Sir Charles, there was no suggestion that Sir James Campbell would use his influence with the other freeholders.

Had there been more Government patronage available for use in Stirlingshire more might have been accomplished, for there were always gentlemen in need of employment and thus susceptible to bribery:

'As for the two gentlemen to witt Carbeth and Finnich I saw this day', reported one of Lord George's friends, 'they both told me their answer to him (Sir Charles Erskine) was they would not determine themselves till they were at Stirling, and both stuck to the same thing wt me, tho both seemed to favour lord George and wished him good success, in short I find both of them have something in view which unless they get, they will vote for lord George.....'.(1)

'Floating voters' like Carbeth and Finnich loaded the dice in favour of a Court candidate throughout the eighteenth century, but on this occasion the Court candidate lacked the prerequisites for success. Sir Charles neither had a natural interest, in the sense

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1. David Graeme of Orchill to Gorthie, 25 May 1741:GD220/5/24

of a body of freeholders attached to him by family loyalty or hereditary connection, nor did he have sufficient patronage to attract the uncommitted. Consequently, as the prospect of a good showing by the Government party diminished, even the job-hungry began to fall away, for, as David Graeme remarked, 'those who are friends to themselves, and are looking for commissions or some court favours for their votes.....begin to damp of late and to fear the odds will be so great, there will not be so many favours a goeing as they once expected'.(1) Patronage used for the purpose of bribery at or near the time of election had value only when the opposing parties were fairly closely balanced, for the patronage available to a Court manager at a General Election was naturally limited and had to be spread over many constituencies, so that if a few appointments were unlikely to ensure a Government victory, little if anything would be given. It was and remained essential for the Court to build their party on the basis of an established interest, and in 1741 practically every freeholder of influence in Stirlingshire adhered to the two dukes.

Nevertheless uncertainty remained, for although the men of influence were prepared to support the Dukes of Argyle and Montrose, many lesser gentlemen refused to declare, and almost until the day of election the Montrose interest were in doubt about the relative strength of parties. The Montrose party certainly included most of

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1. David Graeme of Orchill to Gorthie, 1 June 1741: GD220/5/24

the declared voters, but there were sufficient freeholders who had declined to promise their votes to erode this majority. During the campaign Sir Charles Erskine's intervention did not look so futile as it now does in retrospect. The Duke of Montrose's friends were in fact so concerned by the prospect of a close vote, that the seriously ill John Graham of Killearn was prepared to allow himself to be carried from his house of Killearn to the election meeting at Stirling.(1)

The Sheriff-depute, Gabriel Napier of Graigarnet, in consultation with the Government managers in Edinburgh,(2) fixed the county election for the 4th June 1741, which ensured that Lord George Graham would be unable to reach Stirling in time to vote. The contest continued up to the day of election, and three days before the meeting, Lord George's principal agent assured the Duke of Montrose that: 'your Grace May depend upon all the application in our power to bring people up, as att a Race the hardist winning is at the end'.(3) This was indeed true, for the more opinion in the county seemed to favour Lord George, the more difficult it was to persuade

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1. Hugh Graeme to Montrose, 29 May 1741: 'I Dined with Killearn on wedensday he spoke very sensibly on every thing, but it takes three people to Lift him from the bed to the Chair, yet he was full of goeing to Stirling....'. GD220/5/24
David Graeme of Orchill to Gorthie, 1 June 1741: 'I sent the Duke's letter to Killern.....I reckon it would be quite impracticable to carry him the lenth, but I believe nothing else than the Duke's letter would have hindered him from makeing the attempt' GD220/5/4
2. Montrose to Gorthie, 31 May 1741: 'Mr. McGhie tells me that he met Gabriel Napier at the Colt Bridge this day....I suppose he comes to Edr. for Instructions, Its likely Sr Charles may be likewise come'. GD220/5/12
3. Hugh Graeme to Montrose, 1 June 1741: GD220/5/24

distant supporters to make a tiring journey to the county town in order to make what seemed to them an unnecessary appearance, but in every Scottish county the number of voters was so small that it did not require a great many abstentions to destroy quite a convincing majority.

Hugh Graeme's 'whuping' appears to have been successful, however, for 53 freeholders appeared at Stirling on the 4th June, and Sir Charles Erskine, apparently convinced that he was hopelessly outnumbered, decided to pursue the matter no further.(1) Sir James Campbell of Ardkinglas, if he had ever intended to go to Argyleshire had thought better of it, for he was unanimously chosen to be preses of the meeting.(1) After completing this necessary preliminary, the freeholders at once proceeded to settle the anomalous position of the freeholders who had been enrolled at Michaelmas Head Courts, but who had not previously voted at an election.(2) There were sixteen freeholders in that category, including Lord George Graham himself, and they were all confirmed in their places in the roll without a struggle. Unanimity persisted throughout the meeting, for eight new claimants, of whom Sir Charles Erskine of Alva was one, were enrolled without opposition.(3) Votes which had been disputed at earlier elections, in particular the votes of Cowan's Hospital

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1. Freeholders Minutes, 4th June 1741: SC67/59/2/10

2. Freeholders Minutes: SC67/59/2/11-12

3. Freeholders Minutes: SC67/59/2/13

and Sir Michael Bruce of Stenhouse, were received without question, while steps were taken to prevent any troublesome appearance by a commissioner from Edinburgh.(1)

All of the new claimants seem to have possessed good qualifications, the only possible exception being William Summervail of Dorrater. The Laird of Dorrater claimed a vote for his lands of that name, which were said to be a five pound land of old extent, but he produced no retour to instruct the extent, the freeholders accepting a charter granted by a former superior, James, Earl of Callander, dated in the year 1648 which declared the lands to be of this extent. On the other hand, although a charter was not an acceptable proof of old extent, almost certainly this was not an intentional acceptance of a bad vote, for the meeting proceeded to name a committee of freeholders to revise the Roll and report to the next Head Court any objections which might be found to any freeholder presently on the Roll, and to consider all new claims.(2)

The committee to revise the Roll consisted of twelve freeholders, eight of whom were advocates, and by its composition it shows that the apparent unanimity which characterized the 1741 election had not been achieved by doctoring the minutes, for the committee included representatives of all major interests in Stirlingshire and was in no sense a group of Lord George Graham's friends. The election of 1741 therefore, is something of a landmark in the political history

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1. Hugh Graeme to Montrose, 1 June 1741: 'For the Town of Edinr. tho they voted last Election yet they had no title, it would be wrong I believe to ask their vote now, yet I wish it may be prevented their sending any Commission for Sir Charles...'.GD220/5/24

2. Freeholders Minutes: SC67/59/2/14-15

of Stirlingshire. After a prolonged struggle waged between the Montrose interest, supported by the Duke of Argyle, and a poorly circumstanced Government candidate, which appeared to presage a false return by the pro-Government Sheriff Napier, on the day of election Lord George Graham was chosen without opposition. Moreover, at the election meeting a determined and apparently unanimous effort was made to devise a method of clearing the Roll of unqualified voters.

The poor showing of the Court party at the 1741 election is certainly to be attributed to the attitude of the Duke of Argyle, whose opposition broke the regular Court interest in this part of Scotland. The co-operation of the two dukes carried the 1741 election against Lord Hay both in Stirlingshire and in the neighbouring county of Dunbarton, where the Duke of Montrose, as Sheriff of Dunbartonshire, used his interest to support Argyle's candidate, Colonel Campbell. In Dunbartonshire the victory of the opposition was even more complete, for, as the Sheriff-depute reported, 'the humour of our shyre is entirely patriote not one Court health drunk, after the Royall family the Coll. drinks your Grace's health and after some rounds he tosses to Lord George's success in Stirling shyre'.(1)

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1. William Colquhoun of Garscadden to Montrose, 5 June 1741
GD220/5/24

The election of 1741 demonstrates that it was not enough for a candidate to be known simply as a friend of Government; few constituencies, if any, were as venal as that, and in Stirlingshire the support of a considerable interest remained essential. With the possible exception of certain of the paired counties, no Scottish county could be bought outright, because even if the electorate was open to bribery, patronage was much too scarce a commodity to be expended lavishly in any single constituency. Patronage, in short, was a useful adjunct to an established interest, by which the Government managers might cast the balance in a closely fought contest. The election of 1741, however, was the last to be held before the abolition of the heritable jurisdictions, a measure which greatly increased the influence of the Crown in local politics, by curtailing the amount of private non-governmental patroage. This reform made it increasingly difficult for a political leader to hold together a substantial interest in opposition for any length of time, and increased the tendency for most men who hoped to take an active part in political life to attach themselves to the Ministers in power. Where the opposition interest had in the past consisted generally of genuine freeholders attached by ties of hereditary loyalty or friendship to some great man, the opposition interest after the abolition of heritable jurisdictions tended to consist of nominal voters who did not need to be sweetened by patronage. (1)

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1. See Chapter Twelve.

Chapter Four.

County Politics, 1741 to 1754.

(1) The Revision of the Roll and the Elections of 1747.

During the course of the election meeting of 1741, a committee was appointed by the freeholders to revise and adjust the Roll of electors.(1) Almost at once this committee began to hear complaints against the rights of certain freeholders then on the Roll, and to consider the documents produced by new claimants. The committee of revision had not been established by the dominant faction at the election meeting as a partisan manoeuvre designed to improve its relative position, but appears to have been a genuine attempt to clear the Roll of unqualified voters in an impartial way, and as such is one of the more interesting developments in the political history of Stirlingshire.

The first meeting of the committee took place at Edinburgh on the 15th June 1741, eleven days after the election, and they met again on the 4th July.(2) The six members who attended the meeting on the 15th June included Sir Charles Erskine of Alva, the defeated candidate, and two of the Duke of Montrose's friends, James Graham of Airth and Hugh Graeme of Broich. Objections were stated to fourteen freeholders then on the Roll, and to two claimants, but no further action was taken at the first meeting, for the committee

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1. Freeholders Minutes: SC67/59/2/15

2. Freeholders Minutes: SC67/59/2/17-21

instructed their clerk to inform those affected, in order that they might have an opportunity to answer the complaints. When the committee reconvened on the 4th July further objections were stated at great length to the qualifications of two other freeholders, William Don of Seabegs and Sir Charles Erskine of Alva. The first objection was of a technical nature, which was within the power of William Don to remedy,(1) but the objection to Sir Charles Erskine is of greater interest if for nothing more than the fact that he had been a candidate at the last election. It was alleged that Sir Charles Erskine was not entitled to vote, because his estate did not lie within the county of Stirling but in Clackmannanshire.(2) The boundary between Stirlingshire and the counties of Perth and Clackmannan which bordered it to the north was very uncertain at this period, and the position had been further complicated by the existence of the Stewartry of Menteith which was outwith the jurisdiction of the sheriffs of the respective counties. At this time the whole parish of Alva was assigned to Stirlingshire, and formed an enclave within Clackmannanshire, which was thus even

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1. Before the estate of Seabegs had been purchased by the father of William Don, it had been possessed by five heirs portioners. At first Don acquired only four portions, and the charter produced at William Don's enrolment related only to these four fifths of Seabegs. After William Don succeeded to the estate, however, he purchased the remaining fifth, but he had not passed any charter for this portion. Now, as several parcels of the lands of Seabegs had been sold and Don's original valuation was £408, the lands mentioned in the charter and still in his possession were probably not sufficient to afford a qualification. The objection could of course be removed by acquiring a new charter for the whole estate. Freeholders Minutes
SC67/59/2/22

smaller than the present county, but the lands on which Sir Charles based his qualification were not in Alva. Sir Charles Erskine's vote was based on his possession of the lands of Bandeath, Cookspow and Muirtoun, which were situated south of the Forth, between the burgh of Stirling and Fallin, and are therefore clearly within the present county of Stirling. In the eighteenth century, however, some peculiar anomalies persisted in the technical location of lands, and a retour was produced by the objector which stated that the lands in question lay by annexation within the lordship of Cardross and the sheriffdom of Clackmannan. Sir Charles, for his part, produced certificates designed to establish that the Sheriff of Stirlingshire had exercised jurisdiction within these lands to the exclusion of the Sheriff of Clackmannan, and that they were considered for tax purposes to lie within Stirlingshire. The issue was further complicated, however, by the fact that the lands in question had once formed part of the barony of Cambuskenneth, and sasine for that whole barony had been taken at the mansion house of Cambuskenneth. Cambuskenneth lies within the modern county of Stirling, but at this period it was regarded as part of the county of Clackmannan, and it was possible that the objector was correct in his belief that Sir Charles Erskine's lands were also in that county.(1)

The manner in which the freeholders committee dealt with Sir Charles Erskine's case clearly shows that they were trying to act

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fairly. They were determined to ensure that no freeholder with a genuine right to a vote was deprived of it, while at the same time they intended to clear the evidently bad voters from the Roll. The meeting on the 6th July once again deferred Sir Charles Erskine's case, continuing the question for further consideration in order to allow the gentleman concerned an opportunity to prepare answers to the objections, and that was the position when thirteen of the freeholders met at Stirling for the Michaelmas Head Court of 1741.

The Michaelmas meeting unanimously approved of the actions and recommendations of their committee, which were both cautious and honest. The objections which had been made to the rights of several freeholders were pronounced to be insufficient to warrant further action, and the freeholders right to remain on the Roll was affirmed. Other freeholders, including Sir Charles Erskine, were given until the Michaelmas Head Court of 1742 or the next election, whichever should first occur, to answer the objections lodged against their votes. No attempt was made to carry out a drastic purge of the Roll. Aitken of Orchyaird, for example, against whom it was alleged that his lands were neither forty shillings of old extent nor £400 of valued rent, was an officer in the garrison of Gibraltar, and his case was continued until he could have an opportunity to reply to the objection.(1) The meetings evidently were not dominated by the Montrose interest, for some of the Duke's friends with bad qualifications were struck off, and objections

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1. Freeholders Minutes: SC67/59/2/25

against some of his political enemies were repelled.

Two of the nominal voters enrolled in the interest of the Duke of Montrose in 1720 had their votes sustained, but a third, James Graham, an advocate who held the office of bailie of the regality of Lennox, was struck off the Roll, and the loss of his vote was clearly contrary to the interest of the Montrose family.(1) It was at this time too that Cowan's Hospital was removed from the Freeholders Roll, thus removing another anomaly, but the Master of the Hospital was struck off because he could not produce proof of the valuation of the Hospital's lands, not because the lands belonged to an institution.(2) From this period the Freeholders Minutes record all claims together with the supporting evidence in considerable detail, and provide a reliable record from which a freeholder's qualifications can be readily established. Thereafter it was much easier for the freeholders to ascertain whether or not there had been any change of circumstance after enrolment which could justify their expunging a voter from the Roll. Detailed minutes, in short, were the necessary equipment of a committee of revision, but the detail continued to be entered in the minute books after the passing of the short period of unanimity during which the committee functioned.

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1. Freeholders Minutes: SC67/59/2/24

2. 'Valuation: Lands of Shippoch, £233: 6: 8; Lands of Raploch are not valued at all and never paid Cess which certainly must have been by oversight and these Lands must have been counted on by Parliament and at the several Elections at the valuation corresponding to the real rent'. Mar & Kellie GD124/62: and Freeholders Minutes SC67/59/2/23

When the freeholders again met, at Michaelmas 1742, the affair of Sir Charles Erskine of Alva was settled for the time being when he produced a certificate, signed by one of the keepers of the records in the parliament house at Edinburgh, to the effect that a charter of King Charles the First stated that the lands in question lay in Stirlingshire. This evidence satisfied the meeting, but their neutrality is established, however, by their further recommendation that six named gentlemen, or any two of them, should go to the parliament house and there personally inspect the record, and report on their findings to the next Michaelmas or election meeting. (1) Sir Charles Erskine was not in fact fully secured in his right to a vote until ^{following the Act 16 Geo. II of 1743} he obtained a decree from the Court of Session in 1745 dismissing the complaint.

The Michaelmas Head Court of 1744 followed up the work of its predecessors by again naming a committee to hear objections and receive claims. The duties of this committee were declared to be:

'to receive in all objections that shall be offered to them against any on the Rolls, and to adjourn from time to time, and to receive in what papers may be offered them for obviating the said objections.....And to form and give in a Petition before the Lords of Council and Session against such freeholders whom they shall judge to have no right to be upon the rolls..... And the freeholders present do declare that the expenses of the said Petitions and prosecuting thereof shall be paid by the freeholders of the said Shire per capita.....'. (2)

The intention of the freeholders appears to have been to establish a semi-permanent executive committee as a normal part of local government in Stirlingshire, which would continue from one Head

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1. Freeholders Minutes: SC67/59/2/30-31

2. Freeholders Minutes: SC67/59/2/34

Court to the next. If this plan had taken root it would have been a great step forward, but unfortunately the scheme foundered within a few years over the question of legal charges. But the failure of the freeholders plan for joint action had the disagreeable consequence of leaving the bringing of actions in the Court of Session to interested parties, and thus ended any possibility of a non-partisan approach to the revision of the electoral roll.

The deaths of the Duke of Montrose in 1742 and the Duke of Argyle in 1743 ended the political alliance between the two houses. The new Duke of Montrose (1) proved to be a poor leader for a political interest, for he seems to have assumed that a desire to preserve the family influence in Stirlingshire politics was equivalent to possessing such influence. Duke William, whether from irresolution or from a lack of Scottish connections as a result of his habitual residence in England, was not a serious rival to the third Duke of Argyle, the former Earl of Ilay.(2) Nevertheless, since the Duke of Montrose's brother, Lord George Graham, was the member of parliament for Stirlingshire, family loyalty obliged the Duke to make some effort to support him, particularly as Lord George was almost constantly employed at sea during this period and was unable to attend to his own interest.

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1. William, second Duke of Montrose: born 1712; succeeded his brother David as Earl Graham in the peerage of Great Britain in 1731, and succeeded his father in 1742; died 1790
2. Archibald, third Duke of Argyle: born 1682; created Earl of Ilay in 1706; succeeded brother as Duke of Argyle in 1743; died 1761

Acting through the good offices of Dundas of Castlecary, one of the freeholders, the Duke of Montrose tried to negotiate the purchase of some of the superiorities possessed by the Earl of Wigtown in Stirlingshire. The object of this negotiation was not primarily to increase the possessions of the Montrose family in Stirlingshire for these were already very extensive, but to prevent the lands from falling into the hands of the Duke of Argyle's party. It was for this reason, in fact, that Dundas of Castlecary interested himself in the transaction, for he had never been close to the new Duke of Montrose. Castlecary particularly feared that the Wigtown superiorities might be purchased by Campbell of Shawfield. 'Tho Shawfield and Argyle are not att one now', he wrote, 'they will soon agree, Forbidd it heaven I ever see the Campbells command Stirling Shyre'.(1) Castlecary's motives in urging that Montrose should make the purchase were not, however, entirely political, for both Shawfield and another prospective purchaser were regarded as bad neighbours, who would be liable to commence litigation on little provocation or none, and Castlecary's lands marched with the lands of the Earl of Wigtown. The Wigtown superiorities, moreover, included an extensive tract of moorland with ill-defined boundaries which was still held in common by Wigtown's vassals, a circumstance which could readily lead to trouble between neighbours if the moor were divided, as it would have to be if it was intended

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1. James Dundas of Castlecary to Mungo Graeme of Gorthie, 20 Febr. 1745: GD220/5/25

to make votes on the estate.(1) The negotiations for the purchase of the Wigtown superiorities had not been concluded, however, when news reached the county of the unexpected death of Lord George Graham. Lord George died from the effects of scurvy, which he had contracted while in command of a small cruising squadron which had been kept constantly at sea for a prolonged period, and his sudden death seems to have so shocked his brother, the Duke of Montrose, that he dropped the matter of the purchase of the superiorities, and ceased to take an active part in Stirlingshire politics.

As soon as the news of Lord George's death reached Edinburgh in January 1747, Lord Erskine declared himself a candidate,(2) and wrote to ask Montrose for his consent. Initially the Montrose interest in the county held back, refusing to declare for Lord Erskine until they learned the Duke's inclinations,(3) but, stunned by his brother's death, the Duke at once agreed not to oppose Erskine.(4) Montrose's inaction seriously damaged his family interest, for he made no effort to swing his friends as a body

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1. James Dundas of Castlecary to Gorthie, 20 February 1745: 'If his Grace does not enclyne rayr then eyr Shawfield or Dunneven come to be my Neighbour I will make a stretch and gett some friend to help to purchase Southherbertshyre, my Lands marches with it to the South.....'. GD220/5/25
2. Hugh Graeme to Gorthie, 19 January 1747: 'since wee got the Melancholly Accompt of poor Lord George's Death, My Lord Erskine has Declared Himself for the County, and sent for me yesterday and opened his schemes and has wrote to the Duke...'. GD220/5/26
3. John Graham of Dougalston to Gorthie, 21 January 1747: GD220/5/26
4. Duke of Montrose to Lord Erskine, 22 January 1747 (Copy)
GD220/5/13

behind Lord Erskine, which would at least have kept the interest intact, but instead he left the freeholders attached to the family of Montrose at liberty to vote for Erskine or to abstain as they thought best. 'You will also remember to make excuses if you find any remarks or complaints from freinds, who might expect to hear from me on this occasion', Gorthie was told, 'for to say truth I have more to do, of different sorts, than my present disposition inclines me to do, so the reasonable ones will forgive me, & the others you must help to prevent takeing it amiss'.⁽¹⁾ But although this was a perfectly understandable reaction to a brother's death, the Duke's attitude began the destruction of the interest which the first Duke of Montrose had so painstakingly built up in Stirlingshire. The freeholders in the Montrose interest expected some direction in such a question, and the fact that the deceased member of parliament was the Duke's brother was really irrelevant. Probably no one would have expected the Duke to take an active part in the election in the circumstances, but if he wished to continue to exercise the same influence which his father had possessed he had to act decisively, for influence and interest tended to atrophy if they were not used.

The danger to the Montrose interest was increased by the fact that Lord Erskine had written to the Duke of Argyle as well as to

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1. Montrose to Gorthie, 22 January 1747: GD220/5/13

Montrose, and Argyle had given him an assurance of support.(1) In the face of such unanimity it would have been useless for another freeholder to offer his services at a by-election, and a small meeting of twenty freeholders unanimously chose the Honourable Thomas Erskine, called Lord Erskine, to fill the vacancy for the remainder of the Parliament, which, as it turned out, was only a matter of weeks, for a General Election took place in the summer of 1747, an election which was to put Stirlingshire into the hands of the Campbells for more than twenty years.

When Parliament was dissolved in 1747, the power of the Duke of Argyle in national politics had been greatly diminished, particularly in the matter of the choice of peers to form the Court list, but he was still in a position to influence a number of the Commons elections.(2) Lord Milton, Argyle's principal political agent, was given a great deal of latitude to act as circumstances dictated in Stirlingshire. 'I always intended that Sr James Campbell of Ardkinglass's Heir should stand for Sterlingshire', wrote Argyle, 'he is approved of by Mr. Pelham,.....and if he cannot

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1. Lord Erskine to Lord Milton, 13 January 1747: 'My friends have advised me to offer my services for Parlt to the Shire of Sterling in place of Lord George Graham, and the Duke of Argyle's approving of it in the kindest manner & promising to support me in it, has determined me to undertake it...'. Saltoun 64a.
2. Duke of Argyle to Lord Milton, 18 June 1747: 'This goes by express from the Duke of Newcastle who notifies to you the List of the 16, in which I had no hand at all; the new ones being such as have been recommended by the D(uke) of C(umberland)'. Saltoun 405.

'be the man you must do the best you can, these are strange confusions but I cannot help it'.(1) Argyle's doubts turned out to be quite unnecessary, however, for no opposition was made to the election of the gentleman in question, Captain James Campbell.

Lord Erskine did not attempt to come forward again for the county of Stirling, and was counted as a member of Argyle's interest. According to one of Lord Milton's correspondents, he was convinced that 'Ld Erskine will be intirely directed by the Duke (of Argyle) and use his intrest with his friends'.(2) Soon optimistic reports reached Lord Milton to the effect that the Argathelian party could 'command a very considerable majority of voices in Captain Campbell's favour', (3) which was not particularly surprising since the Duke of Montrose did nothing to oppose the Captain's election, reports even being current that he stood with the consent of both Dukes.(4) Be this as it may, and there seems to be no evidence that Montrose made any effort on behalf of Captain Campbell, he certainly did not oppose his election, and to stand neutral in two successive elections was to invite the permanent dissolution of the Montrose interest.

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1. Duke of Argyle to Lord Milton, 18 June 1747: Saltoun 405.
2. Lord Tinwald to Lord Milton, 25 June 1747: Saltoun 64a.
3. J. Callander of Craigforth to Lord Milton, 20 June 1747: Saltoun 63
4. John Graham of Dougalston to Gorthie, 24 June 1747: 'they likewise give out that Captain Campbell stands for Stirlingshire, with Consent of the Dukes of Argyle & Montrose....'
GD220/5/25

The leader of a political interest who wished to hold his group together had to keep the initiative in any political situation. Confronted with the same situation as that which prevailed in 1747, it is safe to conjecture that the first Duke of Montrose would have taken a completely different course from that followed by Duke William, and when informed of Lord Erskine's intention of standing, having no alternative candidate to propose at the by-election, would have retained the initiative by at once writing to ask Lord Erskine to stand and offering him the support of his friends. The second Duke, on the other hand, lacked his father's political experience, for he had been a younger son until 1731, and seemed to imagine that the only alternative to active participation in the election was complete indifference. The second Duke remained passive, permitted Lord Erskine to seize the initiative and make the first moves before asking his concurrence, and then made matters worse by declining to ask his confidential friend Mungo Graeme of Gorthie to muster some support for Erskine. Indifference was no way to maintain a footing in county politics, and the Duke increased his difficulties by repeating the mistake at the July election.

Some indication of the Duke of Montrose's thought may be gleaned from an incident which took place midway between the two elections of 1747. The office of Collector of Supply of the county was a frequent source of contention, for it was a profitable appointment valued by many impecunious gentlemen. The Collector was chosen by the Commissioners of Supply of the county, and in the event of a disputed

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election it provided the various interests in Stirlingshire with an opportunity to try their strength, although in general the principal politicians found it to their advantage to avoid such disputes whenever possible. For some years before 1747 disputes had been avoided in Stirlingshire by the expedient of giving the post of Collector jointly to two gentlemen, Michael Elphinstone of Quarrel and James Stirling of Craigharnet. On the outbreak of the Jacobite Rising in 1745, however, Craigharnet had been confined in the Castle of Dumbarton together with his cousin, James Stirling of Keir, and from this fortress they had subsequently made a celebrated escape. Accordingly Craigharnet, as a Jacobite fugitive, could not be regarded as a suitable person to collect the land tax.

The other officer who had been associated with Craigharnet in the collectorship, Michael Elphinstone, appears to have tried to secure his position as sole Collector, but after the Rising had been crushed and conditions returned to normal, he found that some of the other Commissioners of Supply were not prepared to allow him to monopolize the office. Michael Elphinstone was a relation of Lord Elphinstone and the latter took up his cause, complaining bitterly to the Duke of Montrose that an attempt was being made to turn out his kinsman. According to Elphinstone, this operation was to be attempted at the next general meeting of the Commissioners of Supply 'by Balie Dundas of Lethem, & to bring in one Buchanan of Aucheneen a Bankrupt Malt Man who broke Sixty pounds in Mr. Dundas's

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'debt & by getting Mr. Buchanan chosen Collector of the cess he expects to operate his payment'. (1) The result of this dispute over the collectorship is unimportant; what is significant is the Duke of Montrose's attitude. Lord Elphinstone was favoured with a soothing reply, in which the Duke pleaded the state of his health as an excuse for not writing to his friends in Scotland in Michael Elphinstone's favour, but instead promised to instruct his commissioners in Scotland to 'recommend unanimity upon this occasion a time I conceive it was never more necessary.....& which I hope will be an inducement to the Commissioners of Supply to settle without variance'. (2) Montrose enlarged on this reply in a letter to Gorthie however, in which he remarked: 'I don't incline to show that I take part in County matters when I am ignorant of the state of the case, & the Gentlemen of the County's sentiments, but at the same time he would have been displeased had he not heard from me'. (3) The question of the disposal of the collectorship should not have been unexpected, and clearly if the Duke intended to preserve his place at the head of the strongest interest in Stirlingshire, he should not have been 'ignorant of the state of the case, & the Gentlemen of the County's sentiments', but should have taken the initiative in proposing a new arrangement and sounding opinion immediately he was informed of Craigharnock's arrest, or at the latest at the

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1. Lord Elphinstone to Montrose, 7 April 1747: GD220/5/13
2. Montrose to Lord Elphinstone, 16 April 1747 (Copy) GD220/5/13
3. Montrose to Gorthie, 16 April 1747: GD220/5/13

time of his escape. If a wish to see unanimity preserved is taken to mean a desire to avoid involvement, and this appears to be the Duke's intention, it is the virtual abandonment of any claim to a position of political leadership. The unanimous election of James Campbell, younger of Ardkinglas, without either the assistance or the opposition of the Duke of Montrose, was an abdication of any claim to influence the votes of a considerable number of freeholders, and it was seen as such. Thereafter the Campbell interest attained the predominant position in Stirlingshire.(1)

The downfall of the Montrose interest was speeded by the abolition of the heritable jurisdictions in 1747, for this interest had always been of the traditional kind, built upon family loyalties and the patronage which could be afforded by a great estate and the hereditary jurisdictions associated with it. After 1747 a principal source of private patronage was cut off, while the gradual increase in incomes made many estate posts less attractive to gentlemen freeholders. Although they never entirely lost all trace of their earlier character, political interests later in the eighteenth century owed much more to the nominal vote than did those prior to 1747, while patronage was increasingly, though never entirely, monopolized by the Government.

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(2) The Election of 1754.

Largely owing to the attitude of the second Duke of Montrose, there was little political activity in Stirlingshire for some five years after the election of Captain James Campbell in July 1747. Political interest in these years centers on the attempt at concensus politics in the limited sense of clearing the Roll of unqualified voters, a movement which culminated in a successful action in the Court of Session by which no less than nineteen gentlemen then on the Roll were found to be unqualified .(1) Unfortunately, however, a decision in the Court of Session was not enough, it was also necessary to extract the decree of the Court in order to give the Sheriff-Clerk authority to delete the names of the nineteen gentlemen from the Roll. Such a decree was not provided without charge, and this expense brought proceedings to a standstill and left the unqualified voters on the Roll, for Hugh Graeme, the writer who had acted for the Stirlingshire freeholders in bringing the action, refused to incur any further charge until he had received payment for his account.

There being only four freeholders present at the Michaelmas meeting in 1747, they took no action beyond ordering their clerk to write to all of the freeholders before the next meeting to inform them that the matter was to be discussed at Michaelmas 1748. This

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1. Freeholders Minutes: SC67/59/2/53-4

appears to have had some effect, for nineteen freeholders appeared at the Michaelmas Head Court of 1748,(1) and felt able to deal with the question by naming a committee to:

'Proportion and lay on the sum of £50 Sterling upon the freeholders who have got the benefit of the said prosecution for paying the foresaid account and other charges, and for extracting the Decreet of the Lords of Session thereanent.....and in case any of the Gentlemen shall refuse to pay the said proportion laid upon them, the said Freeholders shall have power to authorise the Collector to prosecute therefor, as they shall direct..'.(2)

The freeholders decided reasonably enough not to ask payment from those gentlemen against whom actions had been brought but who had been assoilzied by the Court, and it was established that the proportion due by each of the remaining freeholders was thirty shillings sterling, the charge being a levy on individual barons and not proportioned to the valuation of their estates in the same manner as the cess. Perhaps the manner of assessment caused some resentment, but certainly after another year had rolled by and the freeholders met again at Michaelmas 1749 little more appeared to have been accomplished. The nineteen freeholders with bad votes were still on the Roll in spite of the Court of Session's decision because the decree remained unextracted. Gourlay of Kippdaroch, the Depute-Collector of the cess, had received some of the money due by the freeholders, but he had retained it in his hands until the full sum should be paid, and without payment the lawyer, Hugh Graeme, would do no more. Accordingly, the meeting attempted to find a way out of this impasse by ordering Gourlay 'to pay the money as it comes into his hands to Hugh Graeme as agent....and

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1. Freeholders Minutes: S067/59/2/55
2. Freeholders Minutes: S067/59/2/56

'recommend Graeme to apply the first and readiest of the money recovered for extracting the Decreet, and to lodge the same in the Sheriff-Clerk's hands'.(1)

Hugh Graeme, however, was not so simple as to accept this recommendation, for it was clearly in his interest to ignore the matter of the decree until his account was settled, and at the next meeting, at Michaelmas 1750, we find the freeholders once again recommending that he should extract the decree. This time, however, the meeting took steps to compel payment from those who still neglected to pay their thirty shillings, by instructing Gourlay, the Collector, to prosecute, and promising to warrant him against any loss. In spite of the threat the money continued to come in slowly, and Gourlay, presumably learning caution from Hugh Graeme's example, was not prepared to incur any charge by prosecuting defaulters.

By Michaelmas 1751 the situation was becoming desperate, for it would soon be time for another General Election and there were at least nineteen unqualified voters on the Roll. Accordingly the freeholders determined to outflank Hugh Graeme, who persisted in his resolve to see his account paid before he would extract the decree, and ordered Gourlay, the Collector, 'betwixt and 1 January next to extract the Decree of the Court of Session finding several Gentlemen who stand on the Rolls disqualified for voting.....and that out of what money may already be in his hands or hereafter may be collected from the freeholders'.(2) Since Gourlay had

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1. Freeholders Minutes: SC67/59/2/62-3

2. Freeholders Minutes: SC67/59/2/73

apparently retained the money paid to him and would have no trouble meeting the charge, he at once complied with this instruction and gave the decree to the Sheriff-Clerk, who then expunged the disqualified voters from the Roll., the facts being recorded in the minutes of the Michaelmas Head Court of 1752.(1) The levy on the freeholders had not all been paid even in 1752, however, for the meeting again threatened legal diligence, but, unsatisfactory though the arrangement may have been to Hugh Graeme, after a delay of some five years after a decision had been obtained in the Court of Session, the Roll was cleared of unqualified voters, and only just in time, for the period of political tranquillity in the county of Stirling was at an end.

During the summer of 1752 James Campbell of Ardkinglas began to suspect that he might be opposed at the next election. Certainly in July 1752 Lord Milton, the Duke of Argyle's political agent, and as such Ardkinglas's ally, began to negotiate the creation of new nominal voters in Stirlingshire, which seems to imply some apprehension of trouble.(2) Through Lord Milton's intervention it was arranged that Mrs Mary Campbell of Boquhan, one of the Duke of Argyle's Stirlingshire vassals, should purchase the superiority of her estate.(3) Superficially this appeared to be a good move, for Mrs Mary was devoted to her chief's interest, and as a woman she could not use the votes which could be created on the estate.

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1. Freeholders Minutes: SC67/59/2/80-1

2. Archibald Campbell, W.S., to Lord Milton, 9 July 1752: Saltoun 78.

3. Mrs Mary Campbell to Lord Milton, 20 July 1752: Saltoun 78.

Unfortunately, however, the plan envisaged by Milton and Ardkinglas took no account of Mrs Mary's 'averseness to have any other body for her superior than the Crown or the Duke of Argyle'. (1) After purchasing the superiority of her estate Mrs Mary effectively demolished the scheme by declaring bluntly that she was 'still more & more against Giving away the Votes upon Boquhan to any person whatever or upon any terms can be propos'd.....had I hurri'd my self in to finish it wou'd a Given by fare greater Concern to my Mother & I then the Capt. Losing the Election in this Shire can possible do'. (2) It might be thought that this was in any case a round about way to make votes in the Argyle interest when the Duke had originally held the superiority, but in fact it was not in the Duke of Argyle's power to make votes directly, for the Argyle estate was entailed and superiorities could only be sold to the vassals. But although disappointed of the two qualifications which might have been made on the estate of Boquhan, Ardkinglas did not abandon the idea of making nominal voters, for the political situation in Stirlingshire suddenly appeared very uncertain. The political truce which had persisted for the previous five years had been based almost entirely on the disengagement of the Duke of Montrose from active politics, but now new interests were emerging to replace that of Montrose, in particular the interest of the Haldanes of Gleneagles.

As the Freeholders Roll stood at the close of the year 1752, there were 53 enrolled freeholders in Stirlingshire, and an analysis

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1. Archibald Campbell, W.S., to Lord Milton, 3 October 1752: Saltoun 78.

2. Mrs Mary Campbell to Lord Milton, 6 December 1752: Saltoun 78

undertaken by Ardkinglas's party showed that he had good cause for alarm. The deduction of six nonjurors and one minor reduced the number of potential voters to 46, of whom only twenty were in the interest of Ardkinglas. The Campbell interest, although by far the greatest in the county, was thus well short of a majority, and many new claims were anticipated.⁽¹⁾ The remaining 26 freeholders on the Roll were grouped in four small interests and a group of ten who were not committed in any way. The interest which now prepared to challenge Ardkinglas, that of Haldane of Gleneagles, commanded five votes, and allied with Gleneagles was the interest of Dundas of Fingask, now led by Laurence Dundas of Kerse, again with five votes, and Lord Erskine with three. The family of Cunningham of Bandalloch, on the other hand, added three votes to Captain Campbell's party.

By the winter of 1752 it was known that a member of the Haldane family, Captain Robert Haldane of Plean, commander of the 'Prince Edward' East Indiaman, had designs on the representation of the county of Stirling, and as matters then stood he had thirteen sure votes against 23 for Captain Campbell of Ardkinglas, with a further ten freeholders still uncommitted. Captain Campbell had four friends ready to come onto the Roll, and his allies the Cunninghams had a further vote ready, but there were many other claims pending. Ardkinglas's position therefore was hazardous.

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1. 'Stirlingshire Electors, 1752': Saltoun 363.

Accordingly, both parties worked throughout the year 1753 to increase their support and multiply votes, which last method was the chief resource of the Campbell party. The largest block of land in Stirlingshire on which no voter had yet been qualified and which might be made available for the creation of nominal votes, was the property of the Earl of Wigtown in the parish of Denny, the same lands which the Duke of Montrose had considered purchasing before the death of Lord George Graham. The Earl's possessions in Denny, valued at about £2000 Scots, consisted almost entirely of superiority, only the Mill of Denny being also the Earl's property. Half of the valuation, or some £1000, consisted of old feus in the hands of no less than sixty vassals, paying altogether only £86 Scots of feu duty.(1) This estate therefore was a first class subject for the creation of nominal votes, and the second block of the Earl's possessions in Denny was almost as good, for although these lands, known as the Barony of Denny, produced a larger revenue of some £250 Scots, the barony was also possessed by sixty vassals, so that the expense of collection was considerable. The family of Wigtown, however, were less keen to part with the Barony of Denny in spite of the fact of its fragmentation, perhaps because the great number of vassals gave numerous opportunities to collect casualties for the entry of singular successors.(2) Nevertheless the Campbell party hoped at least to

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1. 'Memorial anent the Earl of Wigtown's Superioritys in the Shire of Stirling still remaining unsold'. 1753: Saltoun 78.
2. Archibald Campbell, W.S., to Lord Milton, 4 January 1753: Saltoun 78.

persuade Wigtown's doer to part with sufficient superiority to make a qualification for Sir Harry Erskine, who had agreed to make such a purchase in order to support Ardkinglas. But this plan, like that for the creation of votes on the Boquhan estate, came to nothing, for it encountered an unexpected difficulty. The agent of Lord Wigtown, well aware that with a contested election in the offing it was a seller's market, demanded an excessive price for a superiority, 'one and a quarter of the reall rent and 40 years purchase of the Few duty by which the price will come out above £300 St.'. (1) Sir Harry Erskine, appalled by this ridiculous demand for a not very desirable property, decided that friendship could be pushed too far and promptly refused to make the purchase at that price. (1) Wigtown's agent, however, was in no way discouraged, and far from cutting the price stepped up his demands still further, and asked one and a half of the real rent in place of one and a quarter. According to Lord Milton's agent, Wigtown's man had assured him that 'they had been offerd the $1\frac{1}{2}$ that verey day from another hand for to make a vote agt us and so Insisted for that price'. (2) For the purpose of comparison it should be mentioned that the normal value placed upon a superiority, assuming the entry of singular successors to be untaxed, was one year's real rent for the casualty of a singular successor, and 25 years purchase of the feu duty. The Wigtown family were undoubtedly asking a very substantial price for a single qualification, and in fact they seem to have priced themselves out

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1. Archibald Campbell to Lord Milton, 13 January 1753: Saltoun 80.
2. Archibald Campbell to Lord Milton, 27 January 1753: Saltoun 80.

of the market, for no votes were made upon the Wigtown lands at this time, but the Wigtown superiorities remained as a prospective source of nominal qualifications for a candidate with the necessary ready money or wealthy friends.

Nevertheless new votes were made in 1753, and as a necessary preliminary to the making of a vote was the passing of a signature in the Court of Exchequer, the progress of signatures was closely watched by the politicians eager to get an indication of what might be expected at a subsequent Head Court or election meeting. Six new signatures had been passed in the last Exchequer term, and all of them were in favour of Gleneagles and his friends or gentlemen whose inclinations were uncertain.(1) Certainly there was no comfort for Captain Campbell in the report of the Exchequer proceedings. Ardkinglas's friends considered that a further nine votes might be made to support his interest, but this figure must have been produced in a moment of excessive optimism, for it included the two votes on the estate of Boquhan which Mrs Mary Campbell had already refused to make for any consideration whatsoever. After reconsidering the position, a more realistic estimate of seven possible new votes was produced, and steps were taken to pass signatures for these votes in the forthcoming Exchequer term. The Haldane party of course had not been idle, and they too had seven possible votes in preparation for the new Exchequer term.(2)

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1. 'Signatures passt last Exchequer Term for the Shire of Stirling, Janry. 4th 1753'. Saltoun 363.

2. 'Signatures Stirling Shire Excheqr. term Nov.1752 to Feb.1753'. Saltoun 363.

As always was the case, the new votes were intended only to swell a majority obtained in some other way, for several of the new votes were certainly fictitious, and the body of freeholders had very recently shown themselves eager to keep this type of voter off the Roll. Consequently, both parties exerted themselves to win over the more influential freeholders and peers. The Duke of Montrose, as was now usual, took no part in the contest; according to Captain Campbell, 'he says he will not determine himself till he comes to Scotland and knows the Sentiments of the Gentlemen of the County', which would be too late for his opinion to have any effect.(1) But, as the Duke of Montrose took no part against him, Ardkinglas felt able to continue to mark most of the old Montrose interest among his friends, although they did not all prove to be steady adherents.

Captain Campbell of Ardkinglas's rival incurred an unexpected setback by being unable to come to Stirlingshire to make a personal appeal to the freeholders, and the barons always expected such an approach. 'My Antagonist is now under Sailing orders for the East Indies', Captain Campbell reported in March 1753, 'and must begin his voyage towards the end of next month so the Battel must be over some months before he can possibly be at Home. I understand this Voyage is much contrary to his inclinations, and he used all his interest to get his nephew appointed Captain of that Ship, but the directors of the East India Company were unanimously against it'.(1)

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1. Captain James Campbell of Ardkinglas to Lord Milton, 10 March 1753: Saltoun 80

Captain Haldane's friends, however, exerted themselves on his behalf, and, to the surprise and dismay of Captain Campbell's party, completely out-manoeuvred them at the Michaelmas Head Court of 1753.

In view of the increase in political activity in the county a much greater attendance was to be expected at the Michaelmas meeting of 1753, but in fact only the fairly modest total of 26 barons appeared at Stirling.(1) Three of the gentlemen present were non-jurors, and on the motion of Sir Michael Bruce, one of Ardkinglas's friends, they were quickly eliminated by the members of the Court being required to take the oaths of allegiance and abjuration.(2) This reduced the constituent members of the Court to 23 before the vote was taken on the question of the preses. The sole nominee for that office was James Graham of Buchlyvie, which should have warned Captain Campbell's party that something had gone wrong. In the list of freeholders drawn up by Ardkinglas's party in 1752, Buchlyvie is listed as a supporter of Ardkinglas, and as a well known freeholder he was a suitable candidate for the position of preses of the meeting, but the lack of opposition to his election from the Haldanes now made it clear that Buchlyvie had changed sides.

Having thus gained a preses acceptable to them, the Haldanes proceeded to show that even after losing the nonjurors they had a majority in the meeting. The first step was uncontroversial, but it appears to have formed part of a well thought out plan to win command of the Roll. Someone, possibly Buchlyvie, proposed that

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1. Freeholders Minutes: SC67/59/2/92

2. Freeholders Minutes: SC67/59/2/93

the recommendations of the committee of freeholders appointed to revise the Roll should be confirmed, and as the committee had worked honestly there does not seem to have been any opposition, and four freeholders were ordered to be expunged from the Roll. The next move appeared, on the face of it, to be a logical and reasonable corollary of the last, but it destroyed Captain James Campbell's interest at this meeting. Two of Captain Campbell's friends then on the Roll, Major David Cunningham, the Fort Major of Stirling Castle, and his eldest son, Captain Robert Cunningham, the Court candidate for the Stirling District of Burghs, had submitted new claims in a manoeuvre designed to provide a third vote for another member of their family by splitting their own estates. Major Cunningham had formerly been enrolled as liferenter of the lands of Seabegs in the parish of Falkirk, the fiar of this estate being his eldest son, Captain Robert Cunningham. In 1747 the Major had renounced his liferent of part of Seabegs valued at £408, on which the Captain was then enrolled as the fiar. The lands of Seabegs were only of sufficient extent to afford two votes, but the Major was also proprietor of the Barony of Balglass, in the parish of Killearn, which was valued at £350, and a further small possession in the parish of St. Ninian's valued at £53, which could afford a third qualification. Now for some reason, most probably because the Barony of Balglass was possessed in property as well as superiority, while Seabegs was largely possessed by feuars, it was determined to effect a general exchange of qualifications, and three claims for enrolment were presented instead of one.

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Major Cunningham renounced his liferent of Seabegs, and Captain Robert Cunningham claimed enrolment as fiar of the lands on which his father had formerly qualified. Captain Cunningham in turn granted a liferent right in that portion of Seabegs for which he had formerly voted to his younger brother, Lieutenant James Cunningham, who also claimed enrolment. The Major, for his part, claimed a vote for his estate of Balglass and the lands in St.Ninian's. The meeting, naturally enough in view of their decision to begin by striking off the Roll all unqualified voters, concluded that the Major and the Captain fell into that category, being divested of the lands for which they stood on the Roll, and accordingly struck them off pending consideration of their new claims. But the immediate result of the decision to strike off the Cunninghams was a decisive change in the balance of power in the meeting, which was thenceforth dominated by the Haldanes.(1)

Initially the meeting had numbered eleven in each party, excluding the nonjurors and the preses, but with the elimination of the two Cunninghams the numbers changed to eleven to nine in favour of the Haldanes, who took full advantage of their opportunity. In such circumstances the conclusion was inevitable, and is well summed up by Archibald Campbell, who was present at the meeting:

'In short by the misfortune of some of Captain Campbells friends not comeing up.....and by Buchlive's appearing on the other side they had a majority of three on the old roll which they have taken the best care to keep they can by refuseing to enrolle every man they knew had declared for Capt.Campbell except Douglaston (John Graham)....I presume out of regaird to the D.of Montr-ose...'.(2)

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1. Freeholders Minutes: SC67/59/2/95

2. Archibald Campbell to Lord Milton, 5 October 1753: Saltoun 80.

The minutes of the Head Court record the dialogue between the spokesmen of the two factions at great length, and provide ample evidence to support Archibald Campbell's statement. The reasons assigned to justify the rejection of Ardkinglas's friends show that these decisions were not the honest verdict of the freeholders, but rather provided some pretext for rigging the Freeholders Roll in preparation for the next General Election. If hair-splitting arguments are put aside, there is one general argument used to justify the exclusion of Captain Campbell of Ardkinglas's seven friends, all of whom claimed votes on the valued' rents of their lands. It was objected in each case that the lands in question were not marked in the older valuation books of Stirlingshire at the sums now stated, and that they had been disjoined from other lands in an irregular manner. 'It appears that the division of their valuations from other Lands of which they were antiently a part was not done by authority of a Generall meeting but by a few Commissioners proceeding upon the consent of parties and upon the evidence of the former use of payment of Cess'.(1) The Haldane party, therefore, based their objections upon the Acts of the Scottish Parliament relating to the administration of the land tax, their spokesman, Laurence Dundas, declaring that 'By the Cess Acts 1667 and 1690 its expressly provided that the valuation cannot be altered so as to diminish or increase the valuation of any lands, otherwise than by a general meeting of the Commissioners of Supply; At which must be present by the said Act 1667, the major part, and by the Act 1690 one-third part of the whole Commissioners of Supply'.(1)

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Now while by the letter of these seventeenth century statutes the Haldane party appeared to have the law on their side, it is no less true that the general practice of the Commissioners of Supply of Stirlingshire could be cited by the Campbells. In fact it would have been extremely difficult for anyone to secure an alteration in the existing valuations if there was a necessary quorum of one-third of the total number of Commissioners of Supply, since the infrequent general meetings were seldom well attended, and if they were held more frequently the Commissioners enthusiasm was unlikely to be increased. On the other hand, to permit the division of valuations by two or three Commissioners of Supply, as Captain Campbell and his friends desired, was to invite political manipulation, and the qualification of John Livingstone, a brother of Captain Campbell, rested upon a particularly bad example of this kind of abuse.(1)

John Livingstone, then an Edinburgh merchant, was the third son of Sir James Livingstone of Glentirran, and the immediate younger brother of Captain James Campbell, the member of parliament, (who had changed his name to Campbell as the heir of Sir James Campbell of Ardkinglas). John Livingstone's qualification had been manufactured for the purpose of increasing his brother's voting strength, and consisted of the lands of Polmaise Taylortoun in the parish of St. Ninian's. These lands had belonged in both property and superiority to the managers of Allan's Hospital in Stirling, and had been conveyed to Livingstone under an obligation to reconvey the property

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of the lands to the Hospital, to be held from Livingstone for the payment of £4 Scots of annual feu duty. The facts were openly stated in the titles produced for Livingstone, so that the vote was clearly based on a virtually worthless superiority, although his title to a vote appeared good.

The Haldane party, knowing that Livingstone's titles were good in spite of the trivial feu duty, ignored this aspect and concentrated on the question of the valuation of Polmaise Taylortoun, which was claimed to be £403: 19: 6 Scots. This was indeed the figure stated in the Cess Book in current use, but the opposition established that this figure had been obtained after some very doubtful transactions by the laird who had possessed this estate before it passed to Allan's Hospital. The previous owner, John Wordie of Cambusbarron, had held two properties in Stirlingshire, the lands of Taylortoun, valued at £375: 16: 10, and the lands of Cambusbarron which were valued at £52: 2: 5. By a petition to two Commissioners of Supply, John Don of Seabegs, his own tutor, and Alexander Monro of Auchenbowie, his neighbour, John Wordie obtained a division of his valuation, so that the sum of £28: 2: 5d was taken from the valuation of Cambusbarron and added to that of Taylortoun, making the latter £403: 19: 3, and thus affording a vote on Taylortoun alone. The lands in question were not contiguous, and Cambusbarron, moreover, was not held from the Crown but from another freeholder, the Honourable Thomas Erskine of Alloa, and in fact formed part of the qualification upon which Erskine stood on the Roll.

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The facts of this case were fully established by the Haldane party, who cited a paper produced in the course of the election campaign of 1734, entitled 'Memorial for Sir James Campbell of Ardkinglas as to the state of John Wordie of Cambusbarron, his lands in the Shire of Stirling', thus using their own political paper against the Campbells, and when John Livingstone finally secured enrolment at Michaelmas 1758, the lands of Polmaise Taylortoun were given their correct valuation of £375: 16: 10.(1) Obviously the kind of manoeuvre carried out by John Wordie and his friends could not be tolerated, and a firm statement of the law relating to the division of valuations was long overdue. Such a statement was given, however, in the course of two Court of Session cases arising out of the proceedings at the Stirlingshire Michaelmas meeting of 1753, when it was established that a division of the valuation of an estate could not be effected by a private meeting of Commissioners of Supply.(2) A private meeting could, however, take all the necessary steps towards such a division, provided that their proceedings were confirmed by a general meeting. The Court was careful not to specify any particular quorum of Commissioners of Supply for a general meeting, but all had to be informed of the meeting, and if the majority did not trouble to attend this would not vitiate the proceedings of the remainder.(3)

It was only in John Livingstone's case, however, that the Haldane party showed clear evidence of irregularity in the procedure of the

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1. Freeholders Minutes: SC67/59/2/114
2. Cunningham v Stirling, 9 January 1754; Campbell v Stirling, 6 March 1754: Faculty Collection of Decisions
3. 'Memorial Touching the proceedings of the Freeholders of Stirlingshire...'. 7 November 1753: Saltoun 80.

Commissioners of Supply. In the other cases the Haldane faction simply assumed that the divisions of valuation had not been regularly made without offering proof, and the rights of William Cunningham of Bandalloch, Major David Cunningham of Balglass, and Archibald Campbell, younger of Succoth, were quickly confirmed by the Court of Session in the spring of 1754, which once more gave Captain Campbell an apparent majority on the Roll. Nevertheless, by their victory at the Head Court, the Haldanes had greatly improved their election prospects, for the other four claimants in Captain Campbell's interest were not put on the Roll by decree of the Court of Session, and, as Archibald Campbell rightly remarked, although 'these defects may still be remedyd before the Election.....the misfortune is if they have the command of the roll it will signifye little'.(1)

The Stirlingshire election was held on the 17th May 1754, and the state of the parties prepared for Captain Campbell a few weeks before this date showed that the outcome was very uncertain. In this survey Captain Campbell was credited with twenty votes against nineteen for Captain Haldane, who of course was still absent on his voyage to India. At the election meeting there were to be nine new claims for friends of Campbell and seven for Haldane, and consequently whichever party could secure a majority among the freeholders on the old Roll would have a convincing majority in the final vote. There were other voters in addition to the 39 marked as supporters of one or other of the candidates, which added to the uncertainty;

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1. Archibald Campbell to Lord Milton, 5 October 1753: Saltoun 80.

seven of these were nonjurors, but this did not necessarily mean that they would not compromise with their consciences and vote if the election appeared to depend on their participation. The eight remaining freeholders on the Roll were either regarded as doubtful, or were supposed to be unable to attend the election meeting, but some of them might yet appear, while there were another five gentlemen possessing qualifications in the county, who, for one reason or another had not claimed enrolment. (One was a planter in the West Indies, another a Major-General in the service of the United Provinces, and three were nonjurors.)(1) The political situation in the spring of 1754 was therefore quite open, and in consequence both parties waged a very determined campaign to gain the uncommitted.

The decision of the Court of Session in the case of Captain Robert Cunningham greatly alarmed the Campbell party,(2) for the ruling that a private meeting of the Commissioners of Supply had no power to divide a valuation, made it even more essential for them to secure a clear majority at the beginning of the election meeting. On this reasoning, the Court not only upheld the freeholders in their refusal to enrol Captain Cunningham, Lieutenant James Cunningham, John Livingstone, and Sir George Preston of Valleyfield, it endangered a further three voters on the Roll who were liable to the same objection. Clear command of the Roll was vital, for, as Archibald Campbell pointed out, 'if we do not get a Command of

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1. 'Roll Stirlingshire, 8 April 1754: Saltoun 363.

2. *Cunninghame v Stirling*, 9 January 1754.

'the roll they will admit of no votes at the Election however Clear they may be made, and I judge we shall have great difficulties in any new divisions of the valuation according to their present reale rent', (which was the method laid down by the Court of Session)(1) The trouble with any process of division which depended upon the present real rent of the lands in question, was that the division might be obstructed, for example: 'The valuation of the whole Lands of Seabegs in the year 1691 is about £1692 Scots, this is now splitt among a number of different proprietors and small fewars some of whom are of the other party. These will not only not concur, but obstruct the division.....So I really believe the thing will be Irretrivable before the Election'!. (1)

As the campaign progressed, it seemed to Archibald Campbell, Ardkinglas's agent, that his employer was losing ground, for two of his twenty voters undoubtedly had bad qualifications, and the Haldane party would take strong measures with a third in order to keep him away from the election meeting, and no new supporters had been gained.(2) An estimate produced by Captain Campbell's own friends stated that thirteen freeholders could not be counted as certain, for seven of them were affected by the decision barring

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1. Archibald Campbell to Lord Milton, 19 January 1754: Saltoun 82.
2. Archibald Campbell to Lord Milton, 20 January 1754: 'We are Credibly Informed they intend to object to Sir Michaels vote and I am afraid their reasons are too good.....As to Duntreath its Certain he is also Demuded of the whole of his Estate in favours of his son in his late marriadge Settlement without any reserved liferent as I am informed.....And with respect to Kilcroich as he is an officer of the Army strong schemes are formed to have him kept away.....'. Saltoun 82.

private disjunctions, and although three were still on the Roll their continuance depended upon Ardkinglas securing command of the Roll at the beginning of the election. Two more of Ardkinglas's friends, Sir Michael Bruce and Edmonstone of Duntreath, had disposed of the lands upon which they were qualified, and another four freeholders might be persuaded to stay away, making thirteen uncertain voters in all among the freeholders friendly to Captain Campbell.

Any increase in Captain Campbell's voting strength at the meeting depended upon his ability to persuade a majority of the barons present to ignore the decision of the Court of Session regarding the method of dividing valuations, for he was advised that:

'It will be next to impossible to have an unexceptionable Division either of the Cunninghams Lands of Seabegs, Sr Geo. Prestons, or Sollicitor Home's by the rule of the reale rent, being all splitt among small vassalls who have paid certain proportions of Cess some of them past memory, And who with the assistance of Mr. Haldanes faction will do every thing they can to obstruct a division especially by the rule of reale rent. And as many of the vassalls in Soll. Homes Case are in the naturale possession they will carp at every article of the proof....'.(1)

The land tax was paid by the tenants or feuars in actual possession of the soil, but there was no need to obtain their consent to a division of valuation. In practise, however, their consent was required if they owned their lands, for there was no other way to establish the real rents apart from their evidence, and a great part of these lands were held by bonnet lairds who personally cultivated their estates. It was clearly in the interest of these proprietors

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to oppose any change in valuation which might increase their proportion of the cess, and even if this difficulty could be resolved to the extent of securing consent in principle to a division, it would be far from easy to hit upon a fair method of establishing the real rent of a farm which was worked by its proprietor. Many of the feus in question had been granted more than a century before, and the proportion of the cess to be paid by each feuar was either stipulated in the charters or fixed by custom, and any farmer who owned an improved farm could be relied upon to oppose any attempt to add to his proportion of the cess the share due by the owner of poorer lands. Certainly consent to such a division was not to be expected during a time of political tension.(1)

Once again, without any effort on his part, the balance of power in Stirlingshire fell into the hands of its greatest landowner, the Duke of Montrose, for in spite of his prolonged inactivity there were still many freeholders who would not oppose Montrose. When Captain Campbell attempted to secure the promise of John Colquhoun of Hillhead through the mediation of his brother: 'Mr. Law. Colquhoun who I find was perfectly well disposed to serve us, but I found his brother holds just the same language with the rest of the Duke of M. freinds, which is indeed what I expected, their answer is, that they are still undetermin'd as to what part they will act'.(2) Some of Montrose's friends, such as John Graham of Dougalston, had their own reasons for adhering to the candidate

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1. 'Memorandum Concerning the valuations and Disjunctions of Valuations in Stirlingshire'. Saltoun 81.
2. Captain James Campbell of Ardkinglas to Archibald Campbell, 4 March 1754; Saltoun 82.

favoured by the Court in the absence of any clear direction from the Duke,(1) but most held back, and in such a situation it was necessary to fix as many as possible before the Haldane party could get to them. 'You'll be surpris'd at the offers that the Haldanes have made to some of the voters in the west end of the County', wrote Ardkinglas, 'I can now assure you if money could carrie it no sum woud be wanting'.(2) The western district of Stirlingshire was the main centre of the Duke of Montrose's power, and the reluctance of the freeholders in this quarter to commit themselves before receiving some indication of the Duke's intentions indirectly helped Captain Campbell, for Montrose followed his usual course and declined to intervene, although he held the county election in his hands.(3) James Campbell, however, secured the aid of the most influential of the Montrose freeholders, James Graham of Buchlyvie, who brought in many of the others.

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1. 'Petition of John Grahame of Dougaldstone to the Lords Commissioners of the Treasury': He claimed £278 for meal taken from his granaries by the Sheriff of Stirlingshire during the Rising of 1745 and sent to the Duke of Cumberland's army at Perth. Saltoun 81.
2. Capt. James Campbell to Arch. Campbell, 4 March 1754: Saltoun 82
3. Capt. James Campbell to Arch. Campbell, 26 April 1754: 'I was favoured with yours....with the Duke of Montrose's letter inclos'd. I am extreemly happy with the contents of it, as his not meddling was all the favour I either could have wish'd or expect'd from him'. Saltoun 82. The Duke of Argyle's belief that Montrose intervened in this election appears to be mistaken. vide History of Parliament 1754-90, vol.2, p.358.

James Graham of Buchlyvie, as preses of the Michaelmas Head Court of 1753, had cast the balance in favour of Captain Haldane, and the reason for his change of heart is unknown, although it appears likely that he expected to secure employment in Government service.(1) The fact of Buchlyvie's change of allegiance is not in doubt, however, for he not only engaged to vote for Ardkinglas but became his active supporter, and urged that the writ of election should be kept out of the Sheriff's hands until he had an opportunity to see other friends of the Duke of Montrose.(2) The long delay while the Duke of Montrose made up his mind to do nothing made his friends very susceptible to Buchlyvie's influence, and Buchlyvie himself believed that there was 'no Impression made upon any one that I thought were really annexed Closs in the way I wass to a Certane great man so that I doubet not that my declaratione will doe all when the measures are properly Concerted on the arivall of your Great man at Ed(inburgh)'.(2)

In addition to the possibility of securing most of the Duke of Montrose's friends through the assistance of Buchlyvie, Ardkinglas

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1. Scroll letter of Lord Milton, dated 14 May 1761: 'William Stuart of Hartwood Esq was on the 12 of Febr 1761 appointed Sole Master of Work, upon wch severall applications were made for his former place of Surveyor General of Tobacco at Greenock. Capt. Campbell of Ardkinglass recommended James Graeme of Bucclivie advocate who had done him great service in his Election 1754, upon which account he was at that time promised to be taken care of...'. Saltoun 96a.
2. James Graeme of Buchlivie to Lord Milton, 17 April 1754: Saltoun 83.

hoped to gain the support of Lord Erskine, who also possessed a good deal of influence in the county. Moreover, Lord Erskine would also be a gain from the enemy, for he, like Buchlyvie, had acted with the Haldanes in 1753. In Ardkinglas's opinion the support of Lord Erskine would be invaluable; 'if it be true Ld Erskine is coming to assist us, it will make every thing very easie', he wrote.(1) Accordingly a letter for Lord Erskine was enclosed in a packet from the Duke of Argyle to Lord Milton, 'to be delivered or not as it shall be thought proper'.(2) But unfortunately for Ardkinglas this letter did not reach Lord Erskine until shortly before the election, when Captain Campbell intercepted him at Haddington when on his way from London to Alloa. Lord Erskine made the delay in asking for his support his excuse for refusing it, and in his reply to Argyle remarked that:

'As neither your Grace, nor any body from you, nor Captn.Campbell himself, had ever befor that time ask'd either my assistance or vote in Sterlingshire in favour of Captn.Campbell, & that I found almost all my friends in that County engaged on the other side, the most I can now do in Compliance with your Grace's letter is to be Neuter; and tho I do intend to be at Sterling, and will vote in adjusting the rolls fairly, as the merits shall appear to me, yet your Grace may be assur'd that I will neither vote in the question of Praeses or Clerk, nor for either of the Candidates, not even tho it should happen to run so near that my vote would cast the ballance...'.(3)

Clearly the delay in reaching Lord Erskine was due to mismanagement, and there was no possibility of securing his influence for Captain Campbell. Moreover, the neutrality which Lord Erskine promised with regard to his own vote was scarcely better than

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1. Capt.James Campbell to Arch.Campbell, 26 April 1754:Saltoun 82
2. Duke of Argyle to Lord Milton, 23 April 1754: Saltoun 82
3. Lord Erskine to the Duke of Argyle, 15 May 1754 (Copy)
Saltoun 363.

opposition, for Captain Campbell desperately needed good votes to supplement the doubtfully qualified freeholders in his interest.

Disappointed of the Erskine interest, the Campbell party took no chances with the freeholders who had promised their support. Steps were taken to ensure that the Lanarkshire election did not fall on the same day as that of Stirlingshire, for 'this would carry off Charlie Elphinston from us who says he must attend at Lanerk for Duke Hamilton'.(1) An urgent request was made to the Duke of Argyll to use his influence to persuade Sir Archibald Edmonstone of Duntreath to come over from Ireland and use his influence with other freeholders even if he was not himself qualified,(2) and the usual pressure was applied to all those who were likely to be influenced by the wishes of Government.(3)

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1. Archibald Campbell to Lord Milton, 23 April 1754: Saltoun 82
2. Capt. James Campbell to Archibald Campbell, 28 March 1754: 'you'll see there is a great doubt about Duntreaths coming over to the Election, which I do assure you would be of so bad consequence, that I really believe I cannot carry the Election without him, especially as I am not sure what turn Stewart of Fenwick may take if Duntreath does not come....'. Saltoun 82.
3. David Anstruther to Lord Milton, 21 February 1753: 'Since I saw your Lordship I had a Conversation wt Mr. Burns.... I likewise talked to him about his vote in Stirlingshire, & told him that it would look very odd, & very ingrate, to oppose that interest by which his Commission was obtain'd & that as he stood at present upon very slippery ground, he had need to take particular care what part he acted, & that after he got his Commission he ran the greatest risque not to be admitted, & he ought to look upon himself as under the strongest obligations upon that account, in short I said so much to him that I found it had a very strong effect.....'. Saltoun 80.

Captain Haldane's friends were also active, but their principal was absent and they had the usual difficulties of an opposition which had little patronage to reward supporters. Nevertheless the Haldane party had done well to maintain their position among the real freeholders, so that Captain Haldane's prospects of success did not entirely depend upon getting new nominal voters onto the Roll, although both candidates attempted to increase their strength by such methods. The splitting of superiorities and the creation of nominal votes was to be an important part of politics in Stirlingshire from this election onwards, and Captain Robert Haldane's wealth enabled him to contemplate the purchase of a party in this way. Captain Haldane assigned £12,000 for the enlargement of his Stirlingshire estate, and naturally, as a politician, he wished to secure the superiority of his lands as well as the property.⁽¹⁾ Clearly command of an East Indiaman was a lucrative appointment.

A few days before the election Ardkinglas was given reason to suspect that the Haldanes might have gained another point against him, and that Lord Erskine, in spite of his promise of neutrality, might assist Captain Haldane.⁽²⁾ The rumour that Lord Erskine was to assist Haldane was current two days before Erskine replied to the Duke of Argyle's letter, and the outcome seems to establish that this reply was a deliberate attempt to take Ardkinglas's

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1. William Graham of Airth to Robert Leckie, writer in Stirling, 3 May 1754: Airth MSS. Acc. 3012/xxvii/F 8
2. Capt. James Campbell to Lord Milton, 14 May 1754: 'I must acquaint you that Sir H. Paterson came here last night and took lodgings for Lord Erskine, who he said was to be here ... in order to support the opposite party...'. Saltoun 82.

party unawares on the day of election. But if this was the intention the plan failed, for the rumours gave Ardkinglas sufficient warning not to rely upon Erskine's promises of neutrality. Support is lent to the supposition that Erskine intended to trick Argyle and his friends by the fact that one of Erskine's allies, John Hamilton of Newton, was also ready to perjure himself by assuring Lord Milton that he should 'not be Concern'd nor Vote for any of the Candidates at that Election', (1) only three days before he voted for Captain Haldane's candidate in the crucial vote for preses. Newton certainly did not vote for Haldane or Campbell to be member of parliament, but the election was decided long before that vote was taken, and he was unquestionable 'concerned' for Haldane.

When the freeholders met to elect their representative on the 17th May 1754, the parties proved to be evenly balanced. A total of 42 freeholders attended, but one of these, John Dundas of Manor, refused to take the oath of allegiance, and another, Sir James Dunbar of Mochrum, after qualifying took no part in the choice of a preses, so that only 40 barons voted on this crucial question, and they divided twenty against twenty. (2) The twenty friends of Captain Haldane gave their votes for Lord Erskine, and Captain Campbell's party voted for James Graham of Buchlyvie, and it was carried for the latter by the casting vote of Captain Campbell, as the last elected representative of the county. (3) The Haldane party

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1. John Hamilton of Newton to Lord Milton, 15 May 1754: Saltoun 363.

2. Freeholders Minutes: SC67/59/3/2-3

3. Freeholders Minutes: SC67/59/3/4-5

did not see the question in this light. however, for according to their spokesman, Thomas Dundas, younger of Fingask, there were twenty freeholders for Lord Erskine and only nineteen for Buchlyvie. In the opinion of the Haldane party, one of the gentlemen who had voted for Buchlyvie, the Honourable Charles Elphinstone, did not have a vote, for upon the death of his elder brother he had become the Master of Elphinstone, and as the eldest living son of a Scottish peer he was disqualified from voting as a freeholder.(1) Ardkinglas's spokesman, Archibald Campbell of Succoth, had obviously anticipated this objection for he had an answer ready, contending that this question could not be decided until after the Court had been constituted, or in other words, not until after Buchlyvie had been elected preses. In Archibald Campbell's opinion so long as Charles Elphinstone's name was on the Roll it had to be called under a penalty of £300 Sterling. Moreover, according to Campbell, the burden of proof rested with the objectors, which was perhaps fair enough, but he immediately declared incompetent the most obvious form of proof, namely the parole evidence of Elphinstone himself. The objection was overruled, and by this expedient Ardkinglas gained command of the subsequent proceedings, when good use was made of Buchlyvie's casting vote.

Passing from the question of the choice of preses, Colonel George Haldane moved that Charles Elphinstone should be struck off the Roll as incapable of electing or of being elected, and his motion was supported by several of his friends, but at once a

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counter-motion was put to the meeting by Alexander Monro, one of Ardkinglas's party, that before any particular case was considered the meeting should hear the new claims.(1) The decision to prefer Monro's motion determined the result of the election, which naturally terminated in Ardkinglas's re-election, although almost certainly a majority of the qualified freeholders on the Roll favoured Haldane. Apart from the Master of Elphinstone, there was at least one other voter in Ardkinglas's interest who, on the evidence of his own agent Archibald Campbell, was completely disqualified. This man, Sir Michael Bruce, did not possess a freehold estate, and appears to have held his estate as the vassal of the York Buildings Company, as coming in place of the forfeited Earl of Linlithgow,(2) and objections had been made to this vote at previous elections. The procedural decision to prefer Monro's motion to that of Colonel Haldane was vital, for had Haldane's motion been accepted there was no possibility that he would have permitted Captain Campbell's new nominal voters to reach the Roll once he had a majority. A majority in Ardkinglas's favour, on the other hand, no matter how it was obtained, would remove this danger. However, when the vote was taken, it seemed for a moment that Haldane had won, for 21 freeholders supported his motion and only nineteen that of Monro. The man who had changed sides, James Bruce of Powfoulis, had done so inadvertently however, and he at once corrected himself and declared that he had voted for Colonel

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1. Freeholders Minutes: SC67/59/3/8

2. Archibald Campbell to Lord Milton, 20 January 1754: 'We are Credibly Informed they intend to object to Sir Michael's vote, and I am afraid their reasons are too good..'. Saltoun 82.

'Haldane's motion through a mistake, and then voted for Monro's motion before the name of any other freeholder.....the Preses, in respect of the foresaid mistake, declared the votes on both sides to be equal and gave his casting vote for Monro's motion'.(1)

Thereafter there were no surprises, and the Campbell party proceeded to enrol their nine new voters ignoring all opposition, before considering any claimant in Haldane's interest. Ten claims were submitted by friends of Captain Haldane, but only two were admitted to the Roll, and Major-General William Graham of the army of the United Provinces, who was not present, was the only other freeholder not in Ardkinglas's interest to reach the Roll.

Three of Captain Campbell's new voters, Andrew Fletcher, younger of Saltoun, David Gourlay of Keppdaroch, and Lieutenant James Campbell, were qualified by naked superiorities, and their titles openly stated their obligation to reconvey the property of the estates to their author to be held from them for payment of trivial feu duties. Now, while these qualifications appeared to meet the demands of the law, there can be no doubt that they were deliberately created in order to multiply the votes on the estate of Gargunnock, and they can hardly have been to the taste of those barons who had taken part in the work of the recent committee for revising the Roll. In the case of Gourlay of Keppdaroch, it was objected that part of his superiority lay in Perthshire, and an extract of the Stewartry Court Book of Menteith for 1732 was

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produced in evidence of this contention, while the parole evidence of two of the former Stewarts-depute was also offered.(1) The lands in question, Littlekerse in the parish of Kippen, lie on the south bank of the river Forth and are now clearly within Stirlingshire, but in 1754 there was room for doubt, for at that time the parish of Kippen was divided between Perthshire and Stirlingshire, and lands south of the river lay in Perthshire. Littlekerse belonged in both property and superiority to Gourlay, but the greater part of his qualification consisted of a superiority conveyed by the family of Captain Campbell of Ardkinglas, while Fletcher and Lieutenant Campbell derived the whole of their qualifications from this source.

It must be admitted however, that some of the claimants in Captain Haldane's interest rejected by the majority were also poorly qualified. Patrick Campbell of Monzie, for example, had obtained the greater part of his qualification from Sir James Stirling of Glorat, who had formerly been a vassal of the forfeited Viscount of Kilsyth for his whole estate. It was alleged that Glorat had not taken the necessary steps required by the Clan Act in order to secure the superiority of his estate upon the attainder of Lord Kilsyth, and that he had therefore become a vassal of the York Buildings Company, or of Campbell of Shawfield who had subsequently acquired their lands.(2) But whatever the merits of this argument, Monzie's claim was clearly defective on

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1. Freeholders Minutes: SC67/59/3/24-29

2. Freeholders Minutes: SC67/59/3/44-51

another count, for he claimed that certain feu duties paid to him by a number of feuars of the lands of Bothkennar were separately valued in the Cess Books at £101 Scots and included this in his qualification. Certain variations were permitted in the type of subject upon which a qualification might be based, for example, river fisheries or mills were quite acceptable, but Monzie's claim was radically different. Patrick Campbell was neither in possession of the property nor of the superiority of the lands of Bothkennar, and the small proprietors of these lands, although they paid him feu duty, owed him no other service and held their lands from the Crown. As Monzie claimed, the feu duties of Bothkennar were listed in the Cess Books where they were marked as belonging to the successors of the Abbey of Cambuskenneth. At the Reformation the rights of the Abbey of Cambuskenneth had fallen to a lord of erection, but he acquired no powers over the former vassals of the Abbey, for he received only a grant of the feu duties which would otherwise have been paid to the Crown, not a grant of the lands themselves. Monzie, as successor to the lord of erection, had no power to enter vassals in these lands and had no jurisdiction over them, and the feuars were themselves the King's immediate vassals. The same objection applied to the claims of three other gentlemen, all of whom relied to a greater or lesser extent on the feu duties of Bothkennar for their valuations.

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1. John Buchanan of Carbeth; Patrick Bennet of Whiteside, the minister of Polmont; James Burn, principal clerk to the bills of Session.

Freeholders Minutes: SC67/59/3/56-8 and 64-6.

But although some of Captain Haldane's friends were not rejected without good cause, there were others with apparently good claims against whom objections were sustained. Two of these claimants, Michael Potter of Livelands and John Galbraith of Balgair, were small lairds with some freehold land of their own, whose valuations had been made up to £400 by wadsets of superiority. The Campbell party naturally found plenty of scope for making objections, but the wadsets on the evidence available appear to have been good.(1) The remaining freeholders rejected by the majority of the meeting, Ralph Dundas, younger of Manor, and David Smyth of Methven, were enrolled on the same titles at the Michaelmas meeting of 1755, so that it would seem that the objections made to their qualifications at the election were of little weight.

Having obtained command of the meeting by enrolling his own friends, Ardkinglas was able to dispense with the services of Charles Elphinstone, who paired with Hamilton of Newton, one of Haldane's allies, and withdrew. Lord Erskine likewise refrained from voting for the member of parliament, for in the circumstances his vote could do no good, and the total number of freeholders present and voting on the final question was 48. Robert Haldane of Flean again received twenty votes, but Ardkinglas received 28, so that the latter had turned an equality of votes into a fairly convincing majority by thoroughly rigging the election meeting,

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1. Freeholders Minutes: SC67/59/3/54-56 and 58-63

and even if all of the new enrolments were excluded he had still preserved a majority of nineteen to eighteen on the old Roll.(1)

Naturally this was not the final word on the election of 1754, for many complaints were presented to the Court of Session, and Captain Robert Haldane petitioned the House of Commons, but with an apparent majority of eight it was very difficult to see how he could possibly dislodge Ardkinglas by the petition alone, and it was believed that he relied on the Court of Session to change the balance of power before the Committee of Elections heard the case. Unfortunately for Haldane, the Court of Session did not do so, but even if favourable decisions had been obtained, James Campbell's Government connections enabled him to feel confident that Haldane's petition would not be heard until a great part of the Parliament had elapsed, thus making an expensive debate of little value.

The Stirlingshire election of 1754 was an important event in the political history of the county, for it forms something of a watershed. Before this contest the only substantial creation of votes to support a political interest were those made by the Duke of Montrose in 1720, and Montrose's votes had been quite different from those introduced by Ardkinglas and Captain Haldane. Montrose had given votes to gentlemen of his own name, all of whom were closely connected with the district and were proprietors in it, but in spite of this the creation of votes had aroused intense hostility. The new Campbell and Haldane nominals either had little

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1. 'General Scheme of the Election for the County of Stirling May 1754'. Saltoun 363.
Freeholders Minutes: SC67/59/3/67-8.

real connection with the district, or were very small proprietors. The nominality of Ardkinglas's votes was much more explicit than Montrose's votes had ever been. Montrose had never made votes on his own property lands, but Ardkinglas, possessing little superiority except over his own property, could not be so careful and was obliged to become the vassal of the voters he made, and the consequential obligation on the new superiors to reconvey the property of their estates to Ardkinglas put their nominality beyond question. Nevertheless, in 1754 there is no evidence of any reaction among the genuine freeholders such as had occurred earlier in the century, and this seems to have set an unfortunate pattern for the future. Possibly there may have been a reason for this lack of interest apart from apathy and the fact that Haldane was as guilty as Ardkinglas, for there was no comparison between the families of Ardkinglas and Gleneagles on the one hand, and that of Montrose on the other, in their vote-making potential. Ardkinglas and his father might make six or seven qualifications at most, and Haldane's powers were no more significant, but if Montrose was to be allowed to make nominal voters he could take control of the county. Thus, because the threat posed by Montrose's activities was much greater the freeholder responded more readily.

Government patronage as usual was in short supply in 1754, but there is evidence of a certain amount of bribery. One of Captain Campbell's friends, John McLachlan of Correy, had been approached by the Haldane party, and he informed his patron that 'the last offer made to some of my friends by them woud have made me easie

'and independant for life'.(1) His loyalty to Captain Campbell was not allowed to remain unrewarded however, for Lord Milton secured a tack of two farms in Morven for use in connection with McLachlan's business of cattle dealing. But apart from this case, and the promise made to Graham of Buchlyvie that something would be done for him, there is no explicit reference to bribery in connection with this election, but this of course was not a matter which would normally be committed to paper, and it is safe to surmise that McLachlan was not the only freeholder to be approached. Nevertheless, it would appear that in 1754 the Court party gave more attention to the creation of nominal voters than to the bribery of genuine freeholders.

The decision of the Court of Session in the leading case arising from the Stirlingshire election of 1754 virtually gave carte blanche for the wholesale creation of nominal votes, and set an unhappy precedent for the Court to follow.(2) In Stirlingshire the decision transformed the pattern of politics, and ensured that the smaller independent freeholders lost much of their power to put a brake on the activities of the larger proprietors. Thereafter a 'natural interest', although the term was still much used, mattered

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1. John MacLachlan to Lord Milton, 26 January 1756: Saltoun 86.
2. Thomas Forrester/ of Denovan & Others v Andrew Fletcher etc, 9 January 1755: Fletcher, David Gourlay and Lieutenant James Campbell were all held to have good votes, although they had qualified on superiorities which had been patently conveyed to them for the purpose of enabling them to vote in the election of 1754. Faculty Collection of Decisions, vol.1., no. cxxiv.

less than great estates and ample ready money. Should a majority of the freeholders prove immune to bribery the case was no longer lost, for thanks to the Court of Session a politician could make his own voters by a simple conveyance of a block of superiority, and until the Courts decided to clamp down on the more flagrant abuses of the electoral law, these creations were quite openly nominal. In the context of Stirlingshire politics, however, Ardkinglas's victory was to prove a short term gain at the expense of his long term interests, for if he could nullify the wishes of a majority of the real barons by creating nominal voters, so could other landowners, and there were several barons with much greater estates than James Campbell of Ardkinglas's barony of Gargunnoch.

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Chapter Five.

County Politics 1754 to 1774.

(1) Sir Laurence Dundas and the Election of 1768.

The actions brought in the Court of Session after the election of 1754 ensured that political activity continued in the county, and Captain Campbell of Ardkinglas found considerable difficulty in maintaining his position. In the difficult situation in which he found himself, the limited amount of influence which Ardkinglas possessed proved on occasion to be more of an embarrassment than an asset in the struggle to preserve his footing. A particular instance of his difficulties concerned the presentation of a minister to a vacant charge in Stirlingshire, for this was a notoriously difficult form of patronage as it was seldom possible to please everybody. On the death of the late incumbent in February 1756 the church of Gargunnock became vacant. There appears to have been some question whether the patronage of Gargunnock belonged to Erskine of Carnock or to the Crown, but Captain Campbell, at the request of David Gourlay who had taken one of his nominal votes, obtained Erskine of Carnock's presentation in favour of one Bruce. Unfortunately, however, the remaining heritors, the whole of the kirk session, and the congregation were solidly in favour of Mr. Robert Ure, the assistant to the minister of St. Ninian's. The redoubtable Mrs Mary Campbell of Boquhan, in name of the heritors and kirk session, demanded that Lord Milton should go over Ardkinglas's head and obtain a Crown presentation for their man, and insisted that 'if Bruce be

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'Our Minister the Whole Session will Demit and a Great Division will be in the Parish'.(1) Lord Milton complied with his cousin's request and the net result of James Campbell of Ardkinglas's intervention was the complete loss of his personal interest in that section of Stirlingshire.(2)

However, the divisions which soon appeared in the ranks of his enemies opened a more encouraging prospect for Ardkinglas. The chief interests in Stirlingshire at this time, apart from that of the member of parliament, were led by Haldane of Gleneagles and Laurence Dundas of Kerse, who had joined forces to oppose Ardkinglas in 1754. This alliance did not last however, and by 1758 the Dundas family were attempting to prevent the sale of the Airthrey estate to Captain Robert Haldane,(3) and if this disagreement persisted Ardkinglas stood in little danger of meeting trouble which he could not handle. A list of the Stirlingshire freeholders has survived which shows the divisions by interest, and this can be dated prior to the Michaelmas Head Court of 1759. This list shows 21 freeholders in the interest of Ardkinglas, seven in the Haldane group, and

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1. Mrs Mary Campbell of Boquhan to Lord Milton, 20 April 1756: Saltoun 85.
2. Mrs Mary Campbell to Lord Milton, 16 December 1756: 'Our Member has lost his intrest in this Parish and really by most of our friends in the Shire only I have the pleasure to know those who was once his friends Continues firm in their Good Wishes to my Chief and Lord Milton those two Healths is often Drunk without Naming their Member.....'. Saltoun 85.
3. Robert Haldane to Baron Erskine, 9 September 1758: 'I have reason to think that there is a party forming amongst the Dundas's, that is to say those of Quarrell & Kerse, I suppose to prevent the sale of Aithrey; and this I think not at all improbable, considering the good intentions of those worthy people towards me...'. Erskine-Murray 5080.

a further seven led by Laurence Dundas.(1) The existence of ten uncertain voters on the Roll and eight nonjurors who had taken the trouble to secure enrolment warned Ardkinglas against complacency, and it must be borne in mind that this list was prepared for the guidance of Ardkinglas and may have taken an over-favourable view of his position. Nevertheless the list clearly shows that Captain Campbell was in little danger so long as a three-cornered situation persisted, but if he could see this so could his rivals, and if they again combined against him they had a good chance of making a majority at the next election.

At the late election Captain Campbell had refrained from making promises which he could not keep, but he found difficulty in redeeming even the few he had been obliged to make. James Graham of Buchlyvie was again listed among the uncertain voters in Captain Campbell's list, in spite of the prominent role which he had taken at the 1754 election,(1) and this can only be attributed to the fact that he had not received the office which he desired.(2) If Buchlyvie was to move over to active support of another interest he could well take several other barons with him. Ardkinglas's majority, on the evidence of his own survey, was far from certain, and depended to a great extent on disunity among his opponents.

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1. 'Stirlingshire Voters', no date, but can be dated between Michaelmas 1758 and Michaelmas 1759 by reference to the Freeholders Minutes. Saltoun 363.
2. Mrs Mary Campbell to Lord Milton, 16 March 1761: 'I am vastly glad you have reason to beleive our friend Buchlivie will soon be provided for he wants it much & really has a vast regard for you'. Saltoun 95.

The election of 1761 passed without incident, however, and James Campbell of Ardkinglas was unanimously re-elected, but all parties continued to make interest and it was certain that a trial of strength would soon take place. In spite of the opposition of the Dundas family, Captain Robert Haldane purchased the estate of Airthrey and at once created a vote on it for his nephew, Captain Robert Haldane, junior, of the 'America' man of war, and other votes could be made on this barony. Sir Laurence Dundas was also actively creating votes, while James Cheap of Sauchie made votes on his lands to support Ardkinglas's interest.(1) The uncertainty of Ardkinglas's position in Stirlingshire is underlined by the fact that Lord Bute made an arrangement with Sir Laurence Dundas in order to secure Ardkinglas's unopposed re-election at a by-election in 1763, after he had accepted the office of Governor of Stirling Castle.(2) But while making this arrangement with the Government, Sir Laurence was at pains to inform his friends in Stirlingshire that this was only a temporary arrangement, and 'that haveing perform'd this promise, I am under no sort of Engagement whatever, and at a General Election if my friends in the County should approve of either my Son or I offering our Services, we shall be ready to obey there Commands'.(3)

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1. James Cheap of Sauchie to John Mackenzie of Delvine, 9 February 1760: 'I call'd upon you.....to consult with you about giving a vote to one of Capt. Campbell's friends at his desire...'. NLS. Delvine 1249.
2. Colonel James Masterton to the Master of Elphinstone, 15 December 1763: Elphinstone GD156/49
3. 'Copy of a letter Sir Lawrence wrote to some of his friends in the County', 1763. Elphinstone GD156/49

Sir Laurence Dundas's declaration of his intention to offer his services at the next General Election was the prelude to a masterly campaign which soon left him as the only feasible alternative to James Campbell of Ardkinglas, and Stirlingshire was to have an important place in Sir Laurence's wide ranging political schemes. The death of the Duke of Argyle in 1761 deprived Ardkinglas of his major support. Many persons of influence in Stirlingshire, such as Mrs Mary Campbell of Boquhan, had supported Ardkinglas solely because he had Argyle's backing, and without the support of his chief he was at a severe disadvantage in any contest with the wealthy and well-connected Sir Laurence Dundas, who had steadily added to his land holdings in Stirlingshire until he was one of the leading proprietors in the county.

The first trial of strength took place at Michaelmas 1765, when Sir Laurence Dundas, having been warned that his presence was essential, attended the meeting.(1) There was a substantial turnout for a Michaelmas meeting, with 39 freeholders present, and twelve claims were presented for their consideration.(2) Six of the claimants require no comment for they were enrolled without trouble and were unquestionably genuine freeholders, but the others were more controversial. John Middleton of Lethendole, Francis Masterton of Gogar, Major John Chalmers of Camelon, Major James Bruce, and James Edgar, were all qualified on liferents of superiority conveyed to them by Sir Laurence Dundas, and the lands in question

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1. Robert Bruce of Kennet to Sir Laurence Dundas, 15 June 1765: Zetland Papers. ZNK/X/1/2
2. Freeholders Minutes, 1 October 1765: SC67/59/3/141.

had been purchased by Sir Laurence from the Haldane family and Colonel Robert Cunningham, late of Seabegs. Only one of these claims was opposed, and even that was a futile gesture, for Sir Laurence Dundas was in complete control of the meeting. The Dundas faction further improved their position by rejecting a claimant in Ardkinglas's interest, one John Colquhoun of Craigallian, who claimed a vote as superior of the lands of Hillhead in the parish of Muiravonside. Extensive feuing had taken place in the parish of Muiravonside, and there was no mention of the lands of Hillhead in the Books of Supply, the lands being described by the names of the vassals to whom they belonged. A further complication concerned the very name of the claimant's superiority, for the name Hillhead had formerly been used as an alternative title for the barony of Manuelfouls which was still listed in the Cess Book at £919. The claimant, however, had only title to lands valued at £471, and as there was uncertainty about the lands contained in this valuation it was a simple matter for Thomas Dundas of Fingask to make out a good case for rejecting the claim.(1)

This pattern was repeated at Michaelmas 1766. Just over half the freeholders on the Roll attended the meeting, (36 out of a total of 71) and Sir Laurence Dundas secured complete command of the old Roll.(2) Figures for votes taken at Michaelmas Head Courts are not stated in the minutes, but according to Colonel James Masterton, who had examined the Roll for the Dundas party before the meeting, they had a majority of almost two to one.(3) By 1766 the Haldane family

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1. Freeholders Minutes: SC67/59/3/157-8

2. Freeholders Minutes: SC67/59/3/163.

3. James Masterton to Sir Laurence Dundas, 22 August 1766: ZNK/X/1

no longer had an independent interest in Stirlingshire and had attached themselves to Sir Laurence Dundas. The most influential member of the Haldane family, Captain Robert Haldane of Airthrey, the wealthy retired East India captain, was concerned to obtain a seat in parliament, and he hoped to secure this through Sir Laurence Dundas's friendship.(1) The assistance of the Haldanes was very useful to Dundas, for Captain Haldane through his East India connections had it in his power to maintain an independent interest in Stirlingshire should he so desire. Captain Haldane's nephew and heir, Captain James Haldane, had succeeded to the command of the East Indiaman 'Prince Edward', and among the officers of this vessel were sons of gentlemen connected with the district.(2) Political interests have been maintained with less patronage, and it was fortunate for Sir Laurence that he was able to attach Captain Robert Haldane to his own interest.

Great care was taken by Sir Laurence Dundas's party to secure a good attendance by their friends at Michaelmas 1766, particularly as Sir Laurence was unable to be present. Sir Laurence's political

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1. James Masterton to Sir Laurence Dundas, 21 August 1766: 'I have ane answer from Mr. Bradshaw and he tells me that Douglas (Haldane's friend) is put in place of Christie. I'm glad of it for it pleases Haldane much, tho he has two more Demands, but he had long Conversations with me telling how happie he is with being Connected with you, and for his pairt, to him equall, to be in or out of Parliament, you may arrange him as you please, but still I see he would love to be Chose for these Towns'. (Stirling Burghs) ZNK/X/1. Robert Haldane represented Stirling Burghs, 1758-61, and was a candidate at Bridport, the Perth Burghs, and Perthshire in 1761, and wanted back into parliament.
2. 'Haldanes of Gleneagles', Sir J. Aylmer Haldane, p.199.

management was of a far more sophisticated kind than any that had hitherto been seen in Stirlingshire, and there was never any danger of this interest falling into the trap of over-confidence. The Dundas practice in preparing surveys of the political situation was to produce three separate lists, prepared independently of each other, and compare the results. (1) Colonel James Masterton acted as Sir Laurence's chief agent at this period, and he proved to be very efficient. He canvassed the freeholders regularly, and advised Sir Laurence to whom he should write flattering private letters, and in general acted with Sir Laurence's brother-in-law, Robert Bruce of Kennet, in planning tactics.

The immediate objective of the Dundas party was to ensure the rejection of four claimants in the interest of James Campbell of Ardkinglas. These qualifications had been created by James Cheap of Sauchie and his legal adviser John Mackenzie of Delvine, and were unquestionably nominal. The four claimants, Archibald Hope, secretary to the Board of Police, Alexander Alison, Deputy-Receiver of Excise at Edinburgh, Lieutenant James Lyon, of the 35th Foot, and Matthew Henderson, all possessed liferents of portions of the superiority of the barony of Sauchie, the property of the lands in question belonging to a number of vassals. (2) The reason used to justify their rejection was that when the superiorities were disjoined from the estate of Sauchie, James Cheap, although a party to the transaction, had also been one of the two witnesses which

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1. James Masterton to Sir Laurence Dundas, 22 August 1766:

ZMK/X/1

2. Freeholders Minutes: SC67/59/3/174-180.

the law required. Apart from this technical objection, in the sad state of the law at that time, the votes were good. The Dundas party were under no illusion that they could keep the Sauchie nominals off the Roll for long, but although the enemy 'Certainly could get that removed by the Lords of Session....this would keep them off till another head Court, and if an Election was coming on, they could not vote for Praes's or Clerk'.(1) In short, it was unlikely that Sauchie would take the matter to the Court of Session until he had tried to get the nominals enrolled after correcting the documents used to support their claims.

If the Sauchie voters could be enrolled they would give James Campbell his only chance of holding his position in the face of Sir Laurence Dundas's attack. The Dundas party had hopes that a further demonstration of their strength at Michaelmas 1766 would dissuade James Cheap from making a fight of it and incurring the heavy charges which inevitably attended any legal controversy. 'I understand Cheap is Grudging the Expence already', wrote Colonel Masterton, but although Cheap did grudge the expense he was not prepared to give way.(1) The Laird of Sauchie proved to be a man of decided views who was not prepared to submit to Sir Laurence Dundas. 'If contrary to my opinion, you find the objections valid in law, we must submit', Sauchie told his man of business, Mackenzie of Delvine, but 'if not, (tho likely to be of little significancy to our dying cause) we must not tamely drop our pretensions, but seek

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1. James Masterton to Sir Laurence Dundas, 1 September 1766:
Zetland ZNK/X/1.

'a legal & speedy redress'.(1) Even after Delvine had warned that although the objections seemed frivolous this was no guarantee of success in the Court of Session, Sauchie insisted that an attempt should be made to get redress, 'notwithstanding, in justice to ourselves, & to establish a precedent, which whatever may be the event, cannot be well got over, it will be necessary to lay the case before council, & to proceed in obtaining a speedy decision'.(2) Sauchie's courage received its reward in the shape of four decrees of the Court of Session, dated on the 12th February 1767, which ordered the freeholders to enrol the four Sauchie voters.(3) This success however was as Cheap suspected 'of little significancy' for the contest between James Campbell of Ardkinglas and Sir Laurence Dundas. Nevertheless, at Michaelmas 1767, Sauchie added a fifth nominal voter to the Roll, Captain Andrew Lyon, of the Earl of Ancrum's Regiment of Dragoons, who was qualified, like the others on a liferent of superiority. Unfortunately for James Campbell of Ardkinglas, however, this additional strength was more than outweighed by the nominal voters put on the Roll by Sir Laurence Dundas and his allies in 1766 and 1767, three liferents being made by Sir Laurence himself, two by Sir James Dunbar of Mochrum, and one by Captain Robert Haldane of Airthrey.(4)

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1. James Cheap of Sauchie to John Mackenzie of Delvine, 7 October 1766: Delvine 1249.
2. James Cheap to Delvine, 21 November 1766: Delvine 1249.
3. Freeholders Minutes, 3 April 1767: SC67/59/3/186.
4. Freeholders Minutes: SC67/59/3/163-200.

The strength of the two parties had been clearly demonstrated long before Parliament was dissolved, and at the election of April 1768 Sir Laurence Dundas was not opposed. The former representative James Campbell of Ardkinglas did not appear at the election meeting, and Thomas Dundas of Castlecary, Sir Laurence's eldest son, was unanimously chosen to represent the county. The rapid multiplication of votes which characterized Sir Laurence's rise, increased the Freeholders Roll of Stirlingshire to 85 names by Michaelmas 1768, (1) but although there seemed no reason to suppose that there would be any slackening in the rush to make fictitious qualifications, in fact the Roll fluctuated between 80 and 90 names for the next decade. The reason for this limitation, almost certainly, was that Sir Laurence Dundas had established such an ascendancy in the county that he and his friends had no reason to add to the number of their supporters, while it would have been pointless for another interest to create votes if it had no chance of making a successful challenge.

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1. Freeholders Minutes: SC67/59/3/ *passim*.

(2) The Election of 1774.

The General Election of 1768 made Sir Laurence Dundas a considerable figure in British politics, for he secured control of six parliamentary seats.⁽¹⁾ Consequently, although Sir Laurence's group were not taken into the Government, and he persisted in the vain pursuit of a peerage which the King was determined not to grant, he was too prominent a politician to be ignored by the Administration. Ramsay of Ochtertyre's belief that Sir Laurence 'without the name of a minister', had obtained the 'disposal of almost everything in Scotland', is perhaps an exaggeration.⁽²⁾ Sir Laurence was a great 'fixer', as a man who had made a fortune from commissariat contracts had to be, but his influence essentially was of the back-door kind which he exerted in private arrangements with the Ministers. Lord North would not readily incur Dundas's enmity by opposing his interest, but this is very far from saying that there was any real possibility that the First Lord of the Treasury gave him anything like a monopoly of Scottish patronage. Two letters written to Sir Laurence by Richard Rigby, the Paymaster of the Forces, appear to support this view, being written in December 1773, when Sir Laurence was opposed in two constituencies by the Duke of Argyle. In the first Rigby declares: 'I can scarce think it possible that Lord North can have taken a part against you or that any body of the D.

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1. City of Edinburgh, Sir Laurence Dundas; Stirlingshire, Thomas Dundas; Orkney & Zetland, Thomas Dundas of Fingask; Stirling Burghs, Colonel Masterton; Richmond, William Norton and Alexander Wedderburn.

2. Ramsay of Ochtertyre: 'Scotland and Scotsmen', vol.1, p.154.

'of Argyles friends can, with Lord North's knowledge, or consent, have made use of any Government arguments against You'.(1) In the second letter Rigby goes on to assure Sir Laurence that Lord North 'totally denies having given any body authority to make use of his name or the interest of Government in any object whatsoever in either of the places contested with you or any where else'.(2) These letters would appear to establish that although North's Administration had no reason or wish to interfere with Sir Laurence, the latter had acquired no right to be consulted in patronage matters, otherwise this misunderstanding could not have arisen. Sir Laurence Dundas's wishes seem to have been considered favourably in those constituencies in which he was directly concerned,(3) but he must certainly have relied more heavily on Indian patronage, and naval appointments obtained, directly or indirectly, through his friendship with Lord Sandwich. (4)

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1. Richard Rigby to Sir Laurence Dundas, 3 December 1773:ZNK/X/1
2. Richard Rigby to Sir Laurence Dundas, 11 December 1773:ZNK/X/1
3. John Robinson to Thomas Dundas, 1 October 1778: 'I have been favord with your Letter recommending Mr.John Monro to be a Clerk of Session, and Mr.William McKillop to succeed Mr.Finlayson as Sheriff Clerk of Stirlingshire. Lord North is at present out of Town but I will certainly take care to lay your application before him...and in the meantime having an opportunity of seeing Lord Suffolk this morning I have mentioned to Him the request for Mr.McKillop which He has directed to be put down in his Memorandums...'. ZNK/X/2
4. Captain Robert Digby,R.N. to Lord Sandwich, 17 January 1778: 'This Mr.Callender I made a midshipman myself upon finding Sir Laurence Dundas was his friend....'. Sandwich Papers 1771-1782, edit. G.R. Barnes and J.H.Owen, pp.262-3. Navy Records Society.

After the election of Thomas Dundas in 1768 there is little of interest in Stirlingshire politics before the autumn of 1773, and Sir Laurence simply nursed this constituency in which no opposition could be ~~deserved~~ ^{demanded} while concentrating on other interests. The opposition which arose in 1773 was brought down upon his own head to a certain extent, by Sir Laurence's intervention in the politics of the county of Dunbarton which had long been dominated by the family of Argyle. Challenged by Sir Laurence Dundas in his own county, the Duke of Argyle responded by attacking Thomas Dundas in Stirlingshire.

The member of parliament for Dunbartonshire, Sir Archibald Edmonstone of Duntreath, a nephew of the fourth Duke of Argyle, had held the seat since 1761, but by 1773 he was rapidly losing his interest in that county by his ill-judged arrogance towards some of the freeholders, if their complaints are to be believed.(1) This seemed to offer an opportunity to the Honourable George Keith Elphinstone to attempt to unseat Duntreath at the next election. The Elphinstone family were reviving their long dormant influence in central Scotland at this time, for they now had the essential financial support. This was provided by the Honourable William Elphinstone who, like the Haldanes, had made his fortune as the commander of an East Indiaman. Throughout his long life William

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1. R. Buchanan of Drumakiln to the Duke of Argyle, 18 November 1773: 'He visited most of the freeholders of the County but was above asking them their vote & Interest being too Cock Sure of it, wch I understand has not been well taken by some of them, he did not think it worth his while to call upon me which was no Disappointment to me, as I could not presume so great a man would demean himself to enter Such a poor Cottage as mine where he might dirty his Boots...'. Ross Estate Muniments. GD47/551.

Elphinstone remained a very powerful figure in the affairs of the East India Company, and he was in a position to support an interest with patronage. Sir Laurence Dundas was immediately attracted by the new situation in Dunbartonshire, and made an arrangement with the Elphinstones by which he would support George Elphinstone's attempt in Dunbartonshire in return for the Elphinstone interest in Stirlingshire.⁽¹⁾ Sir Laurence Dundas's interest in Dunbartonshire was probably first aroused by his ally Captain Robert Haldane of Airthrey's canvass of that county in 1761, and it is likely that he would have put up someone to oppose Duntreath if the Elphinstones had not been ready to do so, for another county would have been a useful addition to his political empire. Certainly the Duke of Argyle was actively opposing Thomas Dundas in Stirlingshire before the date of George Elphinstone's declaration, and this would appear to suggest that his motive was retaliation or an attempt to force a compromise, for this Duke was not normally an active politician.

At first attention was focussed on the Stirlingshire Michaelmas Head Court of 1774, and both Sir Laurence Dundas and his son on the one hand, and Sir James Campbell of Ardkinglas, who again represented the Argyle interest, made every effort to increase their support. A great part of the county of Stirling was possessed by small proprietors, and although most of these small lairds held their lands from subject superiors, there were also a considerable number

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1. George Haldane of Gleneagles to Sir Laurence Dundas, 7 December 1773: 'The Elphinstons, since the Capts. arrival, do not seem to have taken any fixed resolution as to Dunbart.sh.....And it will be best.....if in pursuing that Object They can be made to see their interest in joining with you in Stirlingsh....'.ZNK/X/1.

of small freeholders. This circumstance produced a new development in the creation of nominal votes by a method which used the lands of the small lairds. It had long been common electioneering practice to supply a freeholder with a superiority sufficient to bring his valuation up to the qualifying figure. For example, if a freeholder owned an estate valued at £370, he might be sold a liferent of £30 or £40 valuation by a politician, and although the politician naturally only made up qualifications for his friends, it is doubtful if such votes were regarded by contemporaries as nominal and fictitious. The new method took advantage of the existence of small freeholders who could never hope to make any direct political use of their freeholds. Sir Laurence Dundas's party set out to acquire the superiorities of these small estates, which could then be pieced together to form qualifications, or added to the party's reserves in order to keep the lands out of Campbell hands. Many small freehold estates were to be found in the parish of Bothkennar, and it was in this district that Sir Laurence's brother, Thomas Dundas of Fingask, set to work in the winter of 1773/4. 'I have had the Bothkennar lairds with me & have just now got from them all their superiorities which will amount to £500 Scots', he reported, but he appears to have had some difficulty with another laird. 'Willy Graham has in Bothkennar £141: 6: 8 but it is Difficult to convince a fool what is his own Intrest to Intrust to You and Your Son', Fingask complained to Sir Laurence.(1)

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1. Thomas Dundas of Fingask to Sir Laurence Dundas, 20 December 1773 Zetland. ZNK/X/1

The real point of interest in this contest is the extensive manufacture of nominal votes, and the efforts which were made to persuade every freeholder with sufficient valuation to split his holding and create further qualifications. The collection of the superiorities of the small freeholders was a further extension of this policy. 'Every thing is prepared, or making ready as fast as is possible, for making out at this Term, Twenty six new Votes by You or your Freinds', Sir Laurence was advised in the spring of 1774.(1) The City of Edinburgh was also approached for a liferent of the burgh's superiorities for one of Sir Laurence Dundas's friends, for which Provost Laurie attempted to extort £500, an enormous sum for a mere liferent of superiority.(2)

Sir Laurence Dundas's party were not alone in their attempt to supplement their regular supporters with nominals, for the Campbell party had similar plans. One of the principal unused blocks of freehold land in Stirlingshire was the Duke of Hamilton's lands in the parishes of Falkirk and Polmont. The lands were possessed by feuars, and their holdings were valued at more than £4,247 Scots, while this sum was already sub-divided in the Cess Books so that it was an excellent subject for the manufacture of votes.(3) Sir Laurence was given early warning of this danger however, for his brother Thomas Dundas of Fingask was the Duke of Hamilton's principal vassal in Stirlingshire for his lands of Letham, and when the Commissioners

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1. George Haldane of Gleneagles to Sir Laurence Dundas, 1 February 1774: Zetland ZNK/X/1
2. Thomas Dundas of Fingask to Sir Laurence, 27 December 1773: ZNK/X/1
3. 'Account of the Valuation of the.....Lands in the parishes of Falkirk & Polmont Holden of His Grace the Duke of Hamilton'. ZNK/X/4

of the Duke of Hamilton asked the Clerk of Supply for a note of the valuations of the Hamilton vassals, the Clerk obligingly supplied Fingask with a copy of the list. There was some question of the power of the Hamilton Commissioners to make votes however, for under the entail of the dukedom of Hamilton it might only be possible to sell superiorities to the vassals, and many of the vassals were Sir Laurence's friends. 'If the Superiority can only be sold to the Vassals you can have a negative put by some to this project of selling, such as Mr. Bennet, Baillie Kid, Rob. Walker, Id Errol by John Pringle's means, Parkhall, Jo. Mitchel etc', Sir Laurence was advised.(1) In the event of a strict entail barring the sale of superiorities except to the vassals, the superior had only one method of making votes, he had to sell the superiority to each of his vassals, who in turn disposed their estates to a third party designated by the original superior as the voter, who in turn feued the property lands back to the vassal to be held under him. Obviously Hamilton's vassals had power to veto the transaction. Both parties accordingly approached the Hamilton feuars,(2) and Sir Laurence's friends appear to have enjoyed the greater measure of success, for no Hamilton votes were completed until after the General Election of 1774, for Fingask's supposition that the right of sale was restricted proved to be correct.(3)

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1. Thomas Dundas of Fingask to Sir Laurence, 22 December 1773: ZNK/X/1/3
2. Fingask to Sir Laurence, 22 December 1773: 'they (Hamilton's Commissioners) will give full powers to Ardkinglas to treat with every Vassal, to answer his purpose, therefore we must apply to individuals to secure them.....ZNK/X/1/2
3. Freeholders Minutes, 1 October 1776: SC67/59/4/111.

The creation of votes on the Hamilton lands could not be entirely blocked, however, for the political situation in Lanarkshire ensured that the Hamilton Commissioners would not be favourably disposed towards Sir Laurence in Stirlingshire, and it was not to be expected that the Dundas party would win over all of the Duke of Hamilton's vassals. The Duke of Argyle, moreover, used Sir Laurence's support of the Elphinstones as a lever to exert pressure on the Hamilton Commissioners not to make any arrangement with Sir Laurence. Argyle warned Baron Mure, the principal Commissioner, that:

'I have reason to apprehend that the Elphinstones....are wavering; and therefore I hope that you have not, and will not come under any engagement with Sir L(aurence) D(undas) as to the new Hamilton votes in Stirlingshire being neutral; Sir L.D. has found means to have such influence with the Elphinstones, that if you do not keep them in order with these votes, he will have them (the Elphinstones) against Duke Hamilton and me, both in Dumbartonshire and Clydesdale.....'. (1)

In the spring of 1774 the political situation nevertheless appeared to favour Sir Laurence Dundas, although in the wide open politics which prevailed in this period there could be no room for complacency. According to a list prepared for Dundas:

'Putting Matters in the worst light, because the safest, We count	
on the old Roll certain for your Son,	40
And of 7 not yet declared, say only,	3
Add New Votes as pr List,	<u>26</u>
For Castlecary	69

'On the Old Roll certain against us,	20	
Of the 7 not Declared say,	4	
And their new Votes, as they say,	<u>35</u>	
For Sr J.C.	59	<u>59</u>
	Majority	10

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1. Duke of Argyle to William Mure of Caldwell, 24 February 1774: Caldwell Papers, part 2, vol.2, p.230.

'The above is what I apprehend to be nearly the State of the Matter as far as probable Conjecture goes....And possibly in the end it will turn out that matters are truly in a much better situation, For I can hardly beleive, or imagine, how they can possibly make 35 New Votes. And we are much more likely to gain from them than they from us, Besides the Chance, amidst so much Sliceing and Cookery, of many things being spoilt and rejected Of which the old Freeholders must judge in the first instance, And certainly will do it with all the impartiality possible'.(1)

Sliceing and Cookery there was in plenty, and not just of valuations. The law required that a freeholder should be infeft in his lands for a year before he could be put into the Roll of electors, an exception being made for an heir obtaining possession of an estate by succession, and the evidence of the date of infeftment was provided by the Register of Sasines for the county. During this contest it would appear that the system of registration broke down in Stirlingshire, whether from corruption or from pressure of work is uncertain, although the former certainly cannot be ruled out. One of Sir Laurence Dundas's agents reported:

'I came to Town last night and from the Reports you know were circulated in Stirlingshire, I was determined to see the Register of Seasines for Stirlingshire, which I found had been sent here as the Book or Volume was full. I went to the Record...and must own was startled when I saw it. It is wrote in a hand hardly legible & has a prodigious number of Razures, Blurs, Scoreings etc. I must acknowledge I never saw any thing like it. I wish all the Seasines themselves may be right, and have spoke to Mr.Pringle & Mr.Dundas to send for them that we may see in what situation they are. If they are right, there is the less matter...'.(2)

Such side effects were the true evil of the prevalent political corruption, which in itself could only harm the interests of a very small minority of the Scottish people. Damage to the system of land registration, on the other hand, together with the serious interference with the work of the Commissioners of Supply, were prejudic-

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1. George Haldane to Sir Laurence Dundas, 1 February 1774:
Zetland. ZNK/X/1/2
2. John Monro to Sir Laurence, 14 June 1774: ZNK/X/1/2

ial to the interests of all landowners.

The two politicians, Sir Laurence Dundas and Sir James Campbell of Ardkinglas, were not the only Stirlingshire gentlemen attempting to build up their respective interests, for an attempt was made to revive the defunct interest of the Erskines of Mar, or Alloa, who were also in the market for the superiorities of the minor freeholders. According to Fingask's account, 'John Higgins a Jacobite rascal is going about among them in name of the Aloa family trying to get their superioritys & saying Mar's family is now in great power & ought to be supported'.⁽¹⁾ The Erskines do not appear to have had much success in their search, however, for they were not in the same financial league as Dundas, and as they were allied to Sir James Campbell there could be little point in their trying to outbid Ardkinglas.

Assuming that there was sufficient money available, this method of making votes by purchasing outright or in liferent the superiorities of small freeholders whose lands were far below the valuation required for a vote, was an effective way of multiplying votes beyond the number which a politician could make on his own estate. The alternative, once every complete qualification had been utilized, was to pare the existing qualifications of any surplus valuation beyond £400, and join together the portions thus obtained to make additional votes. But making votes by this piecemeal method was a complicated and expensive business and was doubly hazardous, for it

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1. Thomas Dundas of Fingask to Sir Laurence Dundas, 27 December 1773: ZIK/X/1/2.

entailed a serious risk that existing votes might be lost through errors in the division of the valuation or in the conveyancing.

Sir Laurence Dundas appears to have succeeded in gaining the superiorities of most of the bonnet lairds with freehold estates. Ardkinglas probably lacked the resources to attract the smaller proprietors, and although his party attempted to copy Sir Laurence they only seem to have gained a single superiority of importance, that of William Russel, which was valued at £126. Consequently Sir James Campbell was obliged to fall back on the other expedient, and attempted to create votes by paring existing qualifications of surplus valuation. But many of Ardkinglas's friends with surplus valuation proved unwilling to take the risks involved in this plan. Houstoun Nicolson of Carnock, for example, possessed an estate on which the best part of two additional votes might be made, but he stood on the Roll for the whole of his valuation of £1137: 3: 4.(1) Carnock, however, would neither make the votes himself nor divest himself of part of his superiority in favour of another. In other cases the position was complicated by the provisions of an entail. John Callander of Craigforth was one of Ardkinglas's principal supporters, but:

'Craigforth has scarce £250 over what his & his son's Qualifications will require, his Son has at present near the half of the Valuation which in whole is £1120, the Father's half about £560 so that without the Son's consent he cannot part with more than about £150, & that Consent may not be easie, besides as he is under a strict Entail without his Son he can give away none'.(1)

Clearly it was not a simple matter to multiply votes by tinkering

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1. 'Observations on the present Roll of Freeholders etc.',
18 December 1773: Zetland ZNK/X/4

with existing qualifications, and moreover, in any such operations where heavy legal charges could be anticipated, the wealthy Dundas family enjoyed every advantage.

The entail difficulty inhibited the creation of votes by another friend of Sir James Campbell, William Murray of Touchadam and Polmaise, upon whose estate nine votes could be created. Polmaise was willing enough to make votes, but he found himself in difficulties because: 'he is not on good Terms with some of the Heirs and Substitutes in the Entail which is peculiarly strict'.⁽¹⁾ Nevertheless, after much hesitation, Polmaise agreed to make the votes, although they were too late to be of service in the election of October 1774. But unfortunately for Ardkinglas and his friend, certain of the heirs and substitutes named in the entail were not only estranged from Polmaise, they were friends of Sir Laurence Dundas, and with his encouragement an action was brought in the Court of Session to reduce these votes before they even reached the Roll. The case ended to Sir Laurence's satisfaction in December 1774, when he was informed by one of the heirs of entail that:

'The opinion of the Judges & the Lecture given Polmaise operated as.....expected on both him and his Lawyers. He is now desirous of getting out of the scrape as quickly as possible, & intimation has been given me, that Remunciations will be given in by the diferent Liferenters as quickly as they can be got Signed & return'd....I will take care to have the business finished Legaly before I let them out of my fingers.....'.⁽²⁾

The measure of Sir Laurence Dundas's success was the Michaelmas Head Court of 1774, which was dominated by his party from the begin-

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1. 'Observations on the present Rolletc', 18 December 1773: ZNK/X/4

2. Alexander Cunynghame to Sir Laurence Dundas, 3 December 1774:
ZNK/X/1/2

ing. A total of 53 freeholders attended the meeting, and they chose Thomas Dundas of Castlecary, the member of parliament, to be their preses, apparently without opposition.(1) Immediately after this vote, Captain James Edgar, one of Sir Laurence Dundas's liferenters, moved that the names of four deceased freeholders should be deleted from the Roll, which was a fine uncontroversial motion to start the business of the day. But after this motion was carried and the names deleted, Edgar went on to move that:

'The Meeting would next take under consideration the objections lodged against the aftermentioned persons standing on the roll in the following order viz. 1. Mr. Hay Campbell; 2. James Erskine Esq. Knight Marshal; 3. John Callander of Craigforth; 4. David Gourlay of Kippdareoch; 5. John McLauchlan of Corry; 6. Charles Barclay Midland of Tillicoultry; 7. Alexander Bruce of Powfouls; 8. James Erskine of Alva; 9. Mr. George Chalmers; 10. Major William Dunbar; 11. David Forrester, late of Denovan....'.(2)

This motion was designed to remove as many as possible of Sir James Campbell of Ardkinglas's supporters at an early stage in the proceedings, for the first seven listed by Edgar were in that category. At least one other, Major Dunbar, had transferred his qualification to another friend of Sir Laurence Dundas, so that his inclusion in Edgar's list could only be intended to strike a note of impartiality in order to impress the less partisan freeholders present. This motion was also carried, and the meeting proceeded to discuss the objections made to the vote of Hay Campbell.(3)

Hay Campbell's vote was unquestionably nominal. He had been put on the Roll in 1756 as fiar of part of Sir James Campbell's barony

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1. Freeholders Minutes, 4 October 1774: SC67/59/4/1
2. Freeholders Minutes: SC67/59/4/1-2
3. Freeholders Minutes: SC67/59/4/2-3

of Gargunnoch, and another gentleman, Lieutenant James Campbell, had been enrolled at the same time as liferenter. The liferenter, then Major James Campbell, had died in 1766, and in February 1774 Hay Campbell resigned the lands for which he was enrolled for new infeftment to himself in liferent and to Ardkinglas in fee. It was argued by the Dundas faction that this resignation entitled the freeholders to strike Hay Campbell out of the Roll until he had been a year infeft on his new titles, which was the view adopted by the meeting however unsound in law. In an attempt to avert disaster, Sir James Campbell counter-attacked, and demanded that the oath of possession should be put to all those against whom objections had been lodged,⁽¹⁾ and another gentleman asked that the oath of possession should be put to every freeholder without exception. The oath was then put to the meeting, but the result must have disappointed Ardkinglas, for although six freeholders refused the oath, Sir Laurence Dundas's party retained a majority. (2) Having retained a majority, the Dundas party persevered with their plan and proceeded to strike out of the Roll the remaining friends of Ardkinglas who had been named in Captain Edgar's motion, namely James Erskine, the Knight Marshal of Scotland, John Callander of Craigforth, Charles Barclay Maitland, and Alexander Bruce of Powfouls. The objection to the vote of James Erskine of Alva, a Lord of Session, was repelled, while the objections stated against George Chalmers, Major Dunbar, and David Forrester were dropped.⁽³⁾

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1. Freeholders Minutes: SC/67/59/4/4

2. Five of the gentlemen who refused the oath, Sir James Dunbar, John Galbraith of Balgair, George Chalmers, David Forrester, and James McQueen, appear to have been friends of Dundas, while the sixth, David Gourlay, was of Ardkinglas's party.

3. Chalmers and Forrester had already been struck off for refusing the oath.

The remaining freeholder mentioned in Edgar's motion, John McLauchlan of Corry, had supported Ardkinglas at the election of 1754 and had been rewarded for his service with a tack of farms in the county of Argyle, but he may have been too demanding or of uncertain loyalty, for the objection made to his right was presented by Sir James Campbell himself, and no answer being made, he was struck off. (1) Objections were also made by Ardkinglas's party to the qualifications of Thomas Dundas of Fingask and Sir Laurence Dundas, but in the circumstances this was futile and the complaints were speedily rejected, unanimously in the case of Fingask.(2)

Twelve new claimants submitted their papers to the meeting, and all but one were put on the Roll. Two of the claimants, John Livingstone of Parkhall and Lieutenant William Cunningham of Bandalloch, were heirs who had inherited genuine freehold estates for which their predecessors had stood on the Roll, and call for no comment. A third gentleman, John Johnstone of Denovan, had purchased his estate from David Forrester, and now possessed in property as well as superiority. Of the remainder, six were qualified on liferents of superiority and another on a wadset of superiority, and most of this group seem to have been nominal. Four of the liferenters had obtained their qualifications from Lady Clementina Fleming, with the consent of her husband Lord Elphinstone, their votes being based on portions of the superiority of her earldom of Wigtown.(3)

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1. Freeholders Minutes: SC67/59/4/9
2. Freeholders Minutes: SC67/59/4/13
3. Freeholders Minutes: SC67/59/4/25-34.

One freeholder already on the Roll, William Murray of Polmaise, submitted a claim for his qualification to be restricted to a valuation of £400. Polmaise was a very substantial proprietor, and it was on his estate that Ardkinglas's party hoped to create nine votes. Consequently William Murray applied to have his valuation restricted to £400: 19: 4, which was just sufficient to afford a vote, but the vote was good and Polmaise's claim was accepted.(1) The only rejected claimant as might be expected was in the interest of Sir James Campbell, but he was not rejected without good cause. This claimant, Daniel Campbell of Shawfield, founded his claim upon a charter of adjudication in favour of his grandfather of the same name, of the two baronies of Easter and Wester Kilsyth, and a sasine taken on this charter in January 1734. Under the Act of 1681 defining the county franchise, it was provided that after the period of grace during which an adjudged estate might be redeemed had expired, the adjudger was entitled to consider himself the owner of the estate and was entitled to vote. But since it was probable that a man against whom an adjudication had been obtained would have more than one creditor, the right of voting was restricted to the adjudger first infeft, pending a division of the estate among the creditors. The two baronies of Kilsyth had belonged to Viscount Kilsyth, and upon his forfeiture for his part in the Rising of 1715 his estate was purchased by the York Buildings Company for the sum of £16000.(2) The first tacksman of Kilsyth under the Company

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1. Freeholders Minutes: SC67/59/4/35-47

2. David Murray: 'York Buildings Company', p.22.

became bankrupt, but with the ineptitude which characterised the management of that Company, the bankrupt tacksman, James Stark, was appointed factor, and the Kilsyth rents diminished from year to year. Loyalty to the forfeited Viscount Kilsyth may have contributed to the diminution of the rent roll, for Stark had been Lord Kilsyth's bailie, and the more rundown the estate became, the more easily the York Buildings Company might be persuaded to part with it. About the year 1726 an attempt was made to negotiate the purchase of the estate from the Company in the interest of the family of the late Viscount, and at that point that great defender of the Hanoverian Succession, Daniel Campbell of Shawfield, came forward avowedly to prevent the estate from falling into Jacobite hands, and obtained a 99 year lease of Kilsyth, including the mineral rights, for only £500 a year. When the York Buildings Company made such bargains it is not surprising that it was soon in serious financial difficulties, and since Shawfield was a creditor of the Company as well as the tacksman of Kilsyth, he moved quickly for a decree of adjudication when the time was ripe. Shawfield was awarded a decree of adjudication on the 10th November 1732, and thereafter seems to have considered himself the owner of the estate. Unluckily for Shawfield, however, the Duke of Norfolk and other creditors of the York Buildings Company had also secured a decree of adjudication on the very same day as Shawfield received his decree, and both Shawfield and the Duke of Norfolk were infeft in the estate and had their sasines registered on the same day. Thus, although the Duke of Norfolk obviously could not use a vote as a freeholder of

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Stirlingshire, Shawfield could not claim to be the adjudger first infeft, and this was the only adjudger permitted to vote for the estate.(1) The Ardkinglas party were fully conscious of the defect in Shawfield's titles, and this had dissuaded them from bringing in this claim at the 1754 election,(2) and the claim had subsequently been rejected by the freeholders at Michaelmas 1764.(3) This was once again the freeholders decision.(4)

Parliament was dissolved in the autumn of 1774, and the Sheriff of Stirlingshire ordered the election to be held on the 26th October. According to a state of the Roll produced by the Dundas party, the situation had been very favourable to Sir Laurence Dundas before the Michaelmas Head Court of 1774, when the numbers were estimated at 41 to 24 in his favour, with about another dozen freeholders uncertain or absent. At the Head Court each party lost five votes, while Ardkinglas gained five and Sir Laurence four.(5) Thus the

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1. The Act 1681 provided: 'that apprisers or adjudgers shall have no vote in the saids elections during the legal reversion; and that after the expiry thereof, the appriser or adjudger first infeft shall have a vote, and no other appriser or adjudger coming in pari passu, till their shares be divided, that the extent or valuation thereof may appear....'.
2. 'Case of Shawfields Claim to a Freehold in Stirlingshire, March 1753'. 'It seems better....to Bring it in Slapdash on them at the Election when they may not have any time to Recollect or enquire into the defect in the title which does not appear ex facie....'. Saltoun 363.
3. Freeholders Minutes, 2 October 1764: SC67/59/3/133.
4. Freeholders Minutes: SC67/59/4/20-23.
5. 'Stirlingshire State of the Roll Election of 1774'. Zetland. ZNK/X/4.

position after the Head Court would appear to remain unaltered. Sir James Campbell of Ardkinglas still had 24 supporters, while Sir Laurence Dundas, having had a net loss of one vote, could muster 40, which accounts for 64 of the total Roll of 79 barons.

Both parties had formed their plans in view of an election in the spring of 1775, and the early dissolution took them by surprise, although an early election was to the advantage of the Dundas interest. Future claims were determined by the date of the election. If the election had been held in January 1775 instead of October 1774, Sir Laurence Dundas and his allies would have been able to enrol a further six voters who based their claims on charters of December 1773, but Ardkinglas would have had eleven or more in readiness by that date, making the state of parties 46 to 35 in Sir Laurence's favour. Had the election been delayed until February 1775, however, the gap would have narrowed still further to 61 votes to 52 in favour of Dundas. This was still a majority of nine, which was quite a respectable majority for a Scottish election, but if the fight had been pushed to this extreme, both parties would have been scraping the barrel for votes, with the attendant risk of disappointment in the Court of Session.⁽¹⁾ The early dissolution of Parliament therefore was very much to the advantage of the Dundas faction.

At the election meeting which was held at Stirling on the 26th October 1774, the Dundas party were even more successful than they had anticipated, the parties dividing to choose George Haldane of

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1. 'Stirlingshire State of the Roll Election of 1774'. ZNK/X/4

Gleneagles as their preses by 43 votes to twenty, and the dominant party went on to improve their position by enrolling a friend, Sir James Dunbar of Mochrum, (1) and rejecting the claims of two of their opponents, James Erskine of Grange, and Daniel Campbell of Shawfield. With the current running so strongly against him Sir James Campbell of Ardkinglas suffered a humiliating defeat, and Thomas Dundas of Castlecary was again elected to represent the county of Stirling by 44 votes to nineteen. A protest was given in by four of Ardkinglas's friends who had been struck off or refused enrolment, but their votes could not have affected the result.(2)

The decisive victory of Thomas Dundas put the result beyond appeal, and thus rendered useless most of the efforts made by the two parties in view of an election in 1775. Moreover, the successful opposition of the heirs of entail to the creation of liferent qualifications on the estate of Polmaise, ensured that even if Ardkinglas and his friends made the greatest number of votes they could, it was impossible for them to appreciably narrow the gap between the parties. Accordingly, the Michaelmas meeting of 1775 which concluded this campaign, simply underwrote the predominance of Sir Laurence Dundas and his son in Stirlingshire politics.

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1. Sir James Dunbar had refused the oath of possession and had been struck off at Michaelmas 1774, his refusal it would seem being due to an over-active conscience. He had originally been enrolled at Michaelmas 1752 on certain parts of the lands of Carnock and Plean valued at £921 Scots. Sir James, it would appear, had disposed of part of these lands, and his new claim was for a valuation of £437. The lands on which he claimed had been in his possession since 1751 when he took infeftment. It was not a case of disposing of one qualification and acquiring another, the second had been included in the first, so that there had been no real reason to remove him from the Roll.
Freeholders Minutes: SC67/59/4/58-9
2. Freeholders Minutes: SC67/59/4/68.

There were ten claimants at the Michaelmas Head Court of 1775, all of whom were admitted to the Roll, and all but one were friends of Sir Laurence Dundas. Five of the new voters had received their qualifications, in whole or in part, from Sir Laurence Dundas, (1) and another was qualified on a liferent from Sir Laurence's friend, Sir James Dunbar of Mochrum. (2) Three qualifications were created on the estate of Airthrey in favour of Alexander Scrymgeour of Tealing, his eldest son John Scrymgeour, and George Ramsay, late of the island of Jamaica, but the precise status of these voters is uncertain. The late Laird of Airthrey, Captain James Haldane, had died in 1768 when his son Robert was only four years old, and in 1802 Robert Haldane of Airthrey disposed the lands upon which the elder Scrymgeour was qualified to a Dr. John Henderson, so that it would appear that these votes were nominal, created by the trustees administering the estate during the minority of the laird. Moreover, one of the voters, John Scrymgeour, possessed as part of his qualification a portion of the lands of Wester Livelands belonging in property to James Nathaniel Rind which was valued at just over £93. This superiority had been conveyed to him by Sir Laurence Dundas in March 1774 in order to enable Scrymgeour to complete his qualification, so that on balance it would appear that Sir Laurence

1. 'Particulars of the Valuations granted by Sir Laurence Dundas'. Sir Laurence's voters were: James Syme, writer in Edinburgh; David Forrester, late of Denovan; Major Robert Abercromby; John Caddell of Glenquey received a liferent of £241 to complete his vote; Alexander Dallas of Newton, silk dyer in Edinburgh, was a small freeholder, whose estate of Newton in Bothkennar was valued at £133, and the remainder was supplied in liferent. Freeholders Minutes: SC67/59/4 passim.
2. Freeholders Minutes: SC67/59/4/96-7.

had a good deal to do with the manufacture of the Airthrey votes.(2)

The meeting was completely dominated by the Dundas party, for even in the case of William Caddell of Banton, the only claimant who cannot definitely be listed among the friends of Sir Laurence Dundas, there is no reason to consider him an enemy. Banton was qualified on a liferent from John Monro of Auchenbowie, who had been regarded as a friend of Ardkinglas, (1) but he was not conspicuously active. Auchenbowie was an advocate who enjoyed minor office as procurator-fiscal of the Court of Admiralty of Scotland, but he was never in the running for higher office and so had no obvious reason to look to either candidate for patronage, which was the usual reason for making votes. Auchenbowie, moreover, had no sons to provide for, and on his death in 1789 his lands were divided between his two daughters. It is therefore a distinct possibility that Auchenbowie sold the vote to Banton with no political motive, for the latter was a Stirlingshire laird whose own lands were liferented to John Caddell of Glenquey, and formed part of the latter's qualification. Glenquey for his part had received part of his qualification from Sir Laurence Dundas, who is thus connected even with this uncertain voter.(3)

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1. In a document marked 'Masterton's Lists', Monro of Auchenbowie is marked 'Supposed to be present at the Head Court for Mr. Campbell', but in a later list, apparently produced immediately before the Michaelmas meeting of 1774, he is marked 'At the Election....for Mr.Dundas'. Zetland. ZNK/X/1/5
2. Freeholders Minutes: SC67/59/4/78-86.
3. Freeholders Minutes: SC67/59/4/86-89.

Sir Laurence's son, the member of parliament for Stirlingshire, Thomas Dundas of Castlecary, succeeded his father in the baronetcy in 1781, and retained his seat as the representative of the county until he was raised to the peerage in 1794. As he had married a niece of the Marquis of Rockingham in 1764, Sir Thomas Dundas was connected with the leaders of the parliamentary Opposition, and in 1780 he followed his father into Opposition by dividing against the Government over economical reform. From this date until the election of 1812, Stirlingshire was represented by a member opposed to the Administration of the day, or at best indifferent to its survival.

The Dundas family owed much of their political success to their great wealth,(1) for although Sir Laurence and his son were great landowners in Stirlingshire and Clackmannanshire, they could make no claim to a 'great natural interest'. They were moreover Anglo-Scots, whose principal residence was at Aske, near Richmond, in the North Riding of Yorkshire, where they took a leading role in social and political life and spent a good part of their time when Parliament was not sitting. Although the Dundas family was an ancient one and had long been established in Stirlingshire, Sir Laurence Dundas was a younger son of a junior branch and his wealth was of recent origin, being derived from profits made in supplying food and forage to the troops in Scotland, Flanders and Germany, and Sir

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1. Lord Dundas's net income in 1806, after deducting tax and other outgoings was £17,814: 5: 1. Sterling. A very great income by Scottish standards. 'State of the Income of Lord Dundas, 28 May 1806'. Zetland. ZNK/X/4

Laurence's beginnings in a shop in the Luckenbooths of Edinburgh was a recent memory. Accordingly there were those who were ready to cast Dundas in the role of carpetbagger in spite of his Stirlingshire background. 'The handle or argument used against you is your indifference & not residence in the Country', Sir Laurence was informed in 1774, 'the voters are not noticed, when they are wanted they know their value'.⁽¹⁾ In the era of the fictitious vote it was essential for a Scottish politician to be wealthy, and the 'Northern Nabob' made the greatest possible use of his riches to increase his political influence. But money alone was not enough to maintain an interest among the country gentlemen, equally important was active and regular canvassing and not just at the time of an election. Much of the work necessary to maintain the Dundas interest was undertaken by active friends such as Thomas Dundas of Fingask, George Cockburn Haldane of Gleneagles, Colonel James Masterton, Robert Bruce of Kennet, and William Morehead of Herbertshire. Sir Laurence Dundas was wealthy enough to employ the best lawyers for his political business, but unless they were themselves influential barons well known in Stirlingshire like Gleneagles and Kennet, they could not undertake the social contacts which were essential to the maintenance of an interest. This was the province of the active friends, whose regular assistance helped to offset the damage caused by the family's non-residence. The expedient was far from being a perfect solution, for there could be no adequate substitute

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1. Thomas Dundas of Fingask to Sir Laurence Dundas, 22 December 1773: Zetland. ZNK/X/1/2.

for regular residence in the county, but it made it possible for an absentee to control Stirlingshire politics for many years.

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Chapter Six.

County Politics, 1774 to 1790

(1) The Ascendancy of Sir Thomas Dundas.

Support for Thomas Dundas was so general after 1774 that he was re-elected without opposition on the 10th September 1780 and the 9th April 1784. Another interest began to emerge during the year 1787 and Sir Thomas faced a contest at the General Election of 1790, but for a period of some twelve years, for most of which he was in Opposition, Sir Thomas Dundas was unchallenged in Stirlingshire.

The last skirmish of the political struggle which began in 1773 took place at the Michaelmas meeting of 1776, when four claimants in the interest of Sir James Campbell of Ardkinglas appeared. This was far too late to affect the issue, and the claimants, (of whom only three were successful) could have made no impact on the Dundas majority. The new claims, however, show clearly that the Argyle/ Ardkinglas party were reduced to scraping the barrel for the means of manufacturing votes. Two of the claims call for little comment. The first was a liferent of certain portions of the dukedom of Argyle situated in the parish of Drymen, which was given to the Duke's doer, James Ferrier. The second claim was founded on the superiority of the lands of Easter Glenboig, which Sir James Campbell of Ardkinglas conveyed in liferent to John Campbell Esq., second son of William Campbell of Melford in the county of Suffolk, while the fee of the lands was disposed at the same time to the vassal in possession of the dominium utile, Sir Archibald Edmonstone of Duntreath. John Campbell's claim was unsuccessful, however,

for the claim was made upon the old extent of the lands, which were valued in cumulo with the office of hereditary crowner or coroner of the sheriffdom of Stirling, 'so it is impossible to say what the retoured value of the lands is'.(1)

The two other successful claims are more interesting, for they were pieced together by the co-operation of Sir James Campbell of Ardkinglas, the Duke of Argyle, the Commissioners of the Duke of Hamilton, and certain minor Stirlingshire lairds. The first of these claims was submitted by George Schaw of Kersiebank, the proprietor of the small Stirlingshire estate of Kersiebank which he held as the vassal of the Duke of Hamilton. The superiority of this estate was conveyed to him by the Hamilton Commissioners in February 1774, and on the same day the Commissioners conveyed to another vassal, Mr. Robert Hunter, professor of Greek in the University of Edinburgh, the superiority of those parts of the barony of Abbotskerse which he held from the Duke. A few days later Professor Hunter conveyed his estate to George Schaw, who immediately restored the property of the lands to Hunter. Professor Hunter's part of Abbotskerse was valued at £211: 18: 10 and Kersiebank at a little over £100, so that this was still far short of a qualification. But Sir James Campbell of Ardkinglas then contributed the superiority of part of the lands of Corntown in the lordship of Stirling, valued at £45, and the qualification was completed by a liferent from the Duke of Argyle of the superiority of Spittletown of Boquhan, valued at

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1. Freeholders Minutes, 1 October 1776: SC67/59/4/117-8.

£47: 16: 3, giving a total valuation of just over £404 Scots.(1)
 The remaining qualification was given to Dr. James Hay, physician in Edinburgh, and was made in a similar way. In this case the superiority of the lands of Wester Greenyards, valued at £199: 3: 0, was conveyed to Hay by Sir James Campbell, and a separate conveyance was given for fifteen acres of Dryfield of Cambusbarron, valued at £53: 13: 8. The remainder of the qualification was obtained from one Henry Cowburgh, drover in Falkirk, a vassal of the Duke of Hamilton, who obtained the superiority of his own lands from the Duke's Commissioners, conveyed his estate to Ardkinglas, who reconveyed the property to Cowburgh and disposed the superiority to Dr. Hay, giving him a total valuation of £402: 16: 8. The cost of making these votes must have been considerable, and if it came to struggle to make votes by such expensive methods the Dundas family were clearly better placed than was Ardkinglas. Any challenge to the Dundas power would have to come from a general revolt of the freeholders, or from some new interest with a more solid base in freehold land than Sir James Campbell of Ardkinglas possessed.(2)

Stirlingshire was represented by a member of parliament hostile to Administration for most of the period 1780 to 1812.(3) The Elphinstone family replaced the family of Dundas in 1790 and will be considered in their proper place, but at this stage it will be

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1. Freeholders Minutes: 1 October 1776: SC67/59/4/111-116.
2. Freeholders Minutes: SC67/59/4/119-122.
3. With the exception of the Rockingham Ministry of March to July 1782; the Portland Ministry of April to December 1783; and the Talents of 1806-7.

necessary to examine the methods used by Sir Thomas Dundas to maintain his interest. First and foremost, as always, was the maintenance of personal contacts. As a non-resident Sir Thomas Dundas was well served by his friends who made regular rounds of their acquaintances, but whenever possible Sir Thomas came in person to pay his respects. In the autumn of 1775, only a year after his election, he reported: 'Ever since I came to Scotland I have been employ'd in visiting my....Constituents, I have either dined or Stopped at the House of all our Friends.....Gartmore and Balgair are really too far off in this dreadful weather for it has rained incessantly these Three Days and the whole Country is under water'.

(1) Dundas obviously felt that it was necessary to make such visits even at the cost of some personal discomfort, and at a time when there was no immediate liklihood of another election.

Non-residence nevertheless was a serious handicap, particularly as Sir Thomas Dundas found it difficult to maintain social contact through correspondence. Sir Thomas appears to have hated writing letters, and gentlemen who did not receive a reply to their letters were apt to construe this as a snub. A typical example of the trouble which Sir Thomas Dundas made for himself by his reluctance to reply to letters concerned one of his friends among the freeholders, Sir James Dunbar of Mochrum. Sir James had a son in the East India Company's service and he wanted the member of parliament to use his influence at East India House to procure a leave of absence for him, but after two years and many letters Dunbar had received only

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1. Thomas Dundas of Castlecary to Sir Laurence Dundas, 5 October 1775: ZNK/X/1/2.

one communication from Sir Thomas, and this, as a mutual friend reminded the member of parliament, 'marked your being ill-pleased with his impatience and if I remember right you express'd that displeasure pretty warmly. You will know whether Sir James wrote to you since that, I think he did and that he has never heard from you in return'.⁽¹⁾ This unfortunate laziness with regard to correspondence undoubtedly made the task of maintaining an interest in Stirlingshire more difficult. Such misunderstandings would have been less likely to arise if Sir Thomas had been able to meet his constituents more frequently, but he was only able to visit the county at irregular intervals, and when Parliament was not sitting he was more frequently to be found in the Prince of Wales's company or at his Yorkshire residence than in Scotland. Sir Thomas Dundas, like his father, was fortunate in his friends, for several of them were prepared to make the effort which he was unable or unwilling to make, and paid regular visits to the gentlemen of Stirlingshire, although the difficulty of communicating with the representative when he would not reply to letters remained insoluble.

Sir Thomas Dundas's friendship for the Prince of Wales and his connections with Opposition politicians ensured that little Court patronage came his way. Nevertheless, Sir Thomas was not without influence, and had access to a good deal of patronage through his connections in East India House. It was during Sir Thomas Dundas's term as the representative of the county that Stirlingshire

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1. William Morehead of Herbertshire to Thomas Dundas, 17 December 1778: Zetland. ZNK/X/2.

gentlemen first began to find places in India for their sons, and although such places were less common than they were to become in the 1790's, they must have helped to maintain the Dundas interest in the county.(1) As a prominent friend of the Opposition leaders, it might have been expected that Sir Thomas Dundas would have obtained a share of Government patronage when they came into power during the short lived Portland Administration of 1783, but in fact little seems to have been done for Dundas. One incident during this Administration is very difficult to explain, for Sir Thomas might easily have taken it as a deliberate slight which the shaky Ministry could hardly have intended. At that time a vacancy occurred for a minister in the parish of Campsie, and Sir Thomas was presented with a petition from the whole of the heritors and inhabitants 'excepting four Gentlemen, two of whom are of another Communion', in favour of a Mr. Burns.(2) Sir Thomas, who prided himself on his liberalism, applied for a Crown presentation for Mr. Burns, but unfortunately for both the member of parliament and the people of Campsie, the Government had no time for such democratic notions. Property alone

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1. William Morehead to Sir Thomas Dundas, 13 November 1781: 'Mr. Downie writes me that his appointment as a Cadet for Bengal has been fixed, and his passage with Capt. Dundas which makes him very happy. I am much obliged to you for your kind attention in that affair.....'.
- William Morehead to Sir Thomas Dundas, 14 November 1788: 'I beg you will let me know if you have procured an appointment for Mr. John Cairnie as a Surgeon's Mate in an India Man this Season...'.
Zetland. ZNK/X/2
2. William Lennox of Woodhead to Sir Thomas Dundas, 25 May 1783:
ZNK/X/2.

was worthy of consideration, as Lord North readily admitted;

'His Majesty having taken into consideration the pretensions of both the candidates, & perceiving by an Extract from the Registers of the Exchequer that the owners of much the greater part of the property in the District interest themselves for the success of Mr. Lapslie, has determined to grant the Presentation to him. However just & proper this decision may be, I am concern'd that I can not return a favourable answer to your request....'.(1)

Quite apart from the damage inflicted on the Church of Scotland by such a policy, the decision to refuse the request of the member of parliament for the county in order to please four other gentlemen had obvious political implications. When William Lennox forwarded the petition to Sir Thomas, he remarked that 'it wou'd be using you extremely ill was it to be refused'.(2) Certainly the county could hardly help inferring that Sir Thomas Dundas's opinion carried little weight in Court circles even when his friends were in office. Again, Sir Thomas was unable to procure the office of Governor of Edinburgh Castle for his ally Lord Elphinstone, although Elphinstone was ready to relinquish his appointment as Lieutenant-Governor and Captain of an Invalid Company in the event of securing the promotion.(3) In short, Sir Thomas Dundas did not receive much help from Fox and his other political friends when they were in office, an occasional post in the Customs service excepted.(4)

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1. Lord North to Sir Thomas Dundas, 7 June 1783: ZNK/X/2.
2. William Lennox of Woodhead to Sir Thomas Dundas, 25 May 1783: ZNK/X/2
3. Lord Elphinstone to Sir Thomas Dundas, 2 May 1783; and T.L. O'Brien to Sir Thomas Dundas, 28 July 1783: ZNK/X/2
4. T.L. O'Brien to Sir Thomas Dundas, 28 July 1783: 'the Duke of Portland has given me directions to have the Vacancy at Preston Pans & that at Leith filled up as you desire., It may be right to tell you that there is a place of Tidesman at Leith still vacant....'. Zetland. ZNK/X/2.

The chief source of patronage for Dundas, therefore, was Indian patronage, which normally took the form of an appointment in the civil or military branches of the Company's service. But patronage could take other forms, as a letter which Sir Thomas received from the Laird of Auchenbowie shows:

'You may possibly have seen in the Edinr. News paper that my Daughter Isabella was Married some weeks ago to Capt. Ninian Lewis commander of the Woodcott East India Man', he wrote. 'It is of great consequence to Persons in his Line of Life, to be appointed to good Voyages. The best Voyage is reckoned to be to Bengal, But as the Woodcott is not copper'd, Capt. Lewis would be very well pleased to be appointed for Bombay and China. If you will be so good as to speak to any of the Directors with whom you have Interest to procure that Voyage for him, it would be doing a very great favour....'.(1)

By such methods Sir Thomas Dundas maintained an interest in Stirlingshire, but his father, Sir Laurence, had employed other expedients. In particular Sir Laurence made use of his wealth, lending money readily to his acquaintances among the freeholders, which naturally tended to fix them in his interest for the duration of their debt. Moses Buchanan of Glins, William Cunningham, younger of Bandalloch, and Sir James Dunbar, all of whom were freeholders in Stirlingshire, are known to have borrowed money from Sir Laurence Dundas.(2) The Dundas interest, by whatever means it was supported, had become a Stirlingshire institution by the time a challenger appeared to oppose Sir Thomas in 1787, and in spite of the intervention of the Government against him Sir Thomas Dundas secured re-election in 1790.

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1. John Monro of Auchenbowie to Sir Thomas Dundas, 22 March 1789:
Zetland. ZNK/X/2
 2. William Cuninghame of Bandalloch to Sir Thomas Dundas, 15 October 1781, mentions that his son 'owed a considerable sum to Sr L. Dundas; William Morehead to Thomas Dundas, 17 December 1778, mentions that Sir James Dunbar owed money to Sir Laurence; Moses Buchanan of Glins to Sir Thomas Dundas, 15 October 1781, mentions his debt to Sir Laurence. Zetland. ZNK/X/2.

During the years from 1775 to 1787, when the Dundas interest was dominant, there was only one cloud on the horizon for Sir Thomas Dundas. This was James Bruce of Kinnaird, the famous African traveller, who upon his return to Scotland aspired to play a part in the politics of Stirlingshire where his residence was situated. The estate of Kinnaird was a good one, but it was far too small for Bruce to hope to use his own lands as a means of making interest through the manufacture of votes. The lands of Kinnaird proper, in the parish of Larbert, extended to a valuation of £561, and an additional possession in the parish of Airth was valued at £373, so that at most the estate could afford two qualifications.⁽¹⁾ Bruce nevertheless busied himself with local politics, and although he declared his friendship for Sir Thomas Dundas the latter found his activities annoying, for Bruce persisted in stirring up political controversy. It was clearly in the interest of the sitting member to let sleeping dogs lie, but Bruce of Kinnaird took it upon himself to institute measures designed to remove from the Roll freeholders known to be opposed to Sir Thomas Dundas. Having first called a meeting of the freeholders, Kinnaird decided to take action and:

'As it appeared to me the opinion of the Gentn. In General at Stirling that the Parliament would be dissolved after Whits. I look'd over the Roll of Voters & finding many more of your Adversaries Virtually divested by Change of circumstances than of your friends I got a committee appointed to State objections before the Michs. head Court as the Act of parliament appoints all objections against the Roll to be Lodged Two Calendar months before the Michs Head Court'. (2)

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1. Freeholders Minutes Michaelmas 1765. Claim for enrolment gives details of lands. SC67/59/3/144.
2. James Bruce of Kinnaird to Sir Thomas Dundas, 9 May 1782: Zetland. ZNK/X/2.

Sir Thomas Dundas naturally detested Kinnaird, and his considered opinion was 'that it is, and will be, a Misfortune to the Country that the Memory of a Bruce is not recorded on the Plains of Abyssinia'.(1) But in spite of Kinnaird's meddling nothing came of his attempt to purge the Freeholders Roll, although the committee which he had instituted was continued from one Michaelmas meeting to the next, until it was submerged in the political struggle which began in 1787.(2) By 1787 James Bruce of Kinnaird had moved into the opposite camp, and was working with Henry Dundas of Melville to unseat Sir Thomas Dundas, a change of heart which would appear to be justified by considerations of self-interest, for Kinnaird's great achievements in Africa had not received the recognition which was their due, and the patronage of Henry Dundas had obvious advantages.

The first warning of possible trouble in Stirlingshire reached Sir Thomas Dundas in 1784, when he was informed by John Shaw Stewart of Greenock, then a candidate for Renfrewshire in the Opposition interest, that Sir Archibald Edmondstone of Duntreath was splitting his estate to make votes.(3) Sir Archibald at that time represented the Ayr Burghs and was a regular supporter of Government and thus dangerous to Sir Thomas Dundas, and in 1783 Duntreath had greatly enlarged his estate by purchasing Kilsyth from the York Buildings Company,(4) and at the same time apparently acquired any rights

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1. Thomas Dundas of Castlecary to Sir Laurence Dundas, 5 October 1775: Zetland. ZNK/X/1/2
2. Freeholders Minutes: SC67/59/4/ passim.
3. J.Shaw Stewart to Sir Thomas Dundas, 4 December 1784:ZNK/X/2
4. David Murray: 'York Buildings Company', p.98.

which Campbell of Shawfield may still have possessed. This warning proved to be premature however, for Sir Archibald did not make use of his new powers until 1787.

At this stage some consideration must be given to the question of political reform, which first became important in the 1780's and thereafter played a considerable part in determining general political loyalties in Stirlingshire. The most outspoken of the Scottish reformers concerned themselves chiefly with the Burghs, about which little good could be said, and the member of parliament for the county of Stirling was sympathetic to this cause, but Sir Thomas had less enthusiasm for a reform of the county franchise. The question of political reform got off to a slow start in Stirlingshire, almost certainly because the plague of nominal voters, although serious, had not reached such proportions as to threaten to destroy freedom of election. In Stirlingshire no single landowner, with the possible exception of the Duke of Montrose, could dominate politics by the creation of dependent voters, but in some of the other Scottish counties the real freeholders had been deprived of all voice in the election of their representatives. This is reflected in the response of the Stirlingshire freeholders when they were approached by reformers from other counties at their Michaelmas meeting in 1782:

'There was laid before the Meeting a letter from Alexander Kieth, W.S. prefixing the Resolutions of the Counties of Inverness, Murray and Caithness, with regard to the Resolutions of these Counties respecting nominal and fictitious qualifications for voting at elections of Members of Parliament. Which letter having been considered by the Meeting, They do not consider the evil complained of to be of such magnitude as to require immediate remedy. And therefore delay the matter till after consideration'.(1)

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1. Freeholders Minutes: SC67/59/4/163: 1st October 1782.

When the county reformers, at a general meeting in Edinburgh, prepared heads for two bills designed to regulate the qualifications of freeholders, and transmitted these to the gentlemen of Stirlingshire in December 1782, the Stirlingshire freeholders dissented from the resolutions of the general meeting, and appointed Sir Thomas Dundas and five other gentlemen to go to Edinburgh and meet the general committee in order to explain their doubts.(1) At the same time a very non-committal reply was made to the reformers of Yorkshire, who had also asked for their support:

'The Gentlemen of the County of Stirling....are very sensible of the attention of that Committee in so freely communicating their ideas of such reformatations as appear to them would tend to the benefit and improvement of the Constitution in respect to the Representation of the People and the Duration of Parliament, And beg the Preses of their Meeting will return their thanks to the Gentlemen of York Committee and to their Chairman for his Communication and to assure them the Gentlemen of this County are equally well inclined to support every measure that tends to the public benefit as any County in Great Britain can be.....'.(2)

Clearly the Stirlingshire freeholders were not to be rushed into support for reform. There was a long tradition of independence in Stirlingshire which never quite disappeared, and in spite of the substantial numbers of nominal voters created in recent years, the real freeholders still constituted a majority of the Roll. It is reasonable to assume therefore, that there was a general dislike of the abuses which attended political contests in Scotland, but on the other hand it proved very difficult to achieve any agreement on a programme for reform.

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1. Freeholders Minutes, 1st October 1782 and 31st December 1782: SC67/59/4/163 and 165.
2. Freeholders Minutes, 31st December 1782: SC67/59/4/165.

There were a considerable number of small freeholders in the county of Stirling, whose estates fell short of the valuation required for a qualification by varying amounts, and whose part in the political life of the county had hitherto been limited to granting liferents of their superiority in order to assist some politician to manufacture fictitious votes. If the valuation required to constitute a qualification was reduced from £400 to some lesser amount, the number of genuine freeholders would certainly be increased, and this plan attracted some support in the county. A more radical change would have involved the transfer of the privilege of voting from the exclusive freeholder group to the landowners at large, by making the possession of property, the dominium utile, carry the vote, instead of restricting the right to the holder of the superiority. Such a reform, which would place the right of voting 'where the real substantial interest is lodged', would necessarily do a great deal to reduce political corruption in the counties, or so it was argued.⁽¹⁾ As one of the smaller lairds who held his estate from a subject superior complained, in the existing state of the law, where the right of election was confined to freeholders:

'The right of election should remain annexed to an interest which is always comparatively small and generally merely elusory for example a penny Scots, as the fundamental interest is a trifle so are all the modifications of it, fee simple, liferent, or wadsett trifling. Nor is it worth while to discuss which of them is most so, were it not that custom reconciles us to every thing such a discussion would appear like the Lilliputian one whether we should break our eggs at the big or the small end...'.⁽¹⁾

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1. John Graham of Meiklewood to John Strachan of Woodside, 25 October 1787: Cunningham Graham GD22/1/315.

There is some pardonable exaggeration in this complaint, for the interest of every superior was not small, but he was certainly correct in his belief that only a complete break with the old system of restricting the franchise to those holding their estates directly from the Crown would allow the real proprietors in the county to acquire the influence which they considered to be their right.

But even among those who could agree that there was something wrong with Scottish politics in general and the franchise in particular, no agreement could be reached on a policy to remedy the defects. Even the masters of the big battalions, the creators of nominal voters, found their defenders, as a report of the transactions at one of the reform meetings discloses:

'Mr. Graham of Meiklewood moved that the present State of the Election laws required to be amended, that the Qualification at present necessary should be reduced and that a committee should be appointed to correspond with other Counties upon that Subject. These motions were supported by some.....whose names I do not recollect and the following, Mr. Speirs, Mr. Stirling, Mr. Cadell, Mr. Belsches, Mr. Morehead, but this last was not for diminishing the Qualification. Mr. Johnstone uniformly against the whole.....and Mr. Bruce approved but would not vote unless a Time was Specified which (would) not preclude those who had not been so provident in bringing forward their votes from profiting equally with these fictitious ones already on the Books.....We had some conversation at the Meeting about intitling the proprietors to purchase the superiority. No answer was made to the Reasons aduced in Support of it, but no motion was made upon it, we thought it too much to hazard...I do begin to think from the many jarring opinions and the Numberless difficultys that are thrown in the way, so far from expecting any amendment a very few years will bury the Recollection of it.....'.(1)

The easiest solution of course was to do nothing, and this in fact was the solution adopted by the Stirlingshire lairds, and at a meeting attended by 71 heritors and Commissioners of Supply it was

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1. John Strachan of Woodside to Robert Graham of Gartmore, 20 April 1787: Cunningham Graham GD22/1/315.

carried unanimously that the member of parliament should be 'instructed to oppose any Bill for the alteration of county election laws, unless the said alterations, and Bill for regulating the same shall have been previously laid before a general meeting of this county, properly called for considering the same'.(1) This negative instruction was the only product of a well attended county meeting, which could just as easily have adopted suitable resolutions designed to guide Sir Thomas Dundas by outlining the kind of reform they would favour. But in such a course unanimity was not to be expected, whereas the negative policy found unanimous approval. There was dissatisfaction with the existing system, but at that time there does not seem to have been even a possibility that the reformers might develop a strong interest in Stirlingshire with an agreed policy, and the reform interest such as it was became moribund with the outbreak of war with France.

The importance of the reform issue is not that it provided a focus for an independent interest in the county, it did not, but it had importance in the sense of an undefined dislike of the prevalent political corruption which was increasingly utilized in the interest of Government by the master of corrupt politics, Henry Dundas. This attitude undoubtedly helped the Opposition interest in Stirlingshire, and helps to explain how that county was held for the Opposition until 1812. It was not necessary for the Opposition politicians themselves to be active reformers in order to obtain

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1. 'Resolution of the County Meeting regarding County Election Laws, 24 August 1787'. Extracted from the Books of Supply. Zetland. ZNK/X/2.

the benefit of this feeling in the county, for Sir Thomas Dundas, in particular, was lukewarm in his support of reform and was himself a major offender in the matter of nominal votes. But Sir Thomas and his successors, Robert Graham of Gartmore, Lord Keith, and Charles Elphinstone Fleming, could all be seen as men of liberal opinions who in different circumstances might have accomplished something. The actions of Henry Dundas, on the other hand, made it impossible to regard a Government in which he held office as in any way sympathetic to political reform of even the mildest kind, and this taint attached it self to any candidate who chose to come forward with the assistance of that Administration. The fact that the French wars pushed political reform into the background was not disadvantageous to the opposition party in Stirlingshire. The reform movement of the 1780's was not a popular movement, it was largely confined to the gentry, and as has been shown there was no unity of purpose even among those gentlemen who were broadly in favour of reform. Consequently, had political reform become practical politics it would have had a divisive effect, which in the absence of real popular interest in the issues could only have played into the hands of the Tories.

During the course of the year 1787, Sir Archibald Edmondstone of Duntreath at last made his move, and attempted at one stroke to make himself the dominant figure in Stirlingshire politics. In accordance with the Act 16 George II, the principal statute regulating county elections in Scotland, notice was given that there would be sixteen claimants at the ensuing Michaelmas Head Court, and no less than fourteen of these had been supplied with their qualifications by Sir Archibald Edmondstone. The practice of the county of Stirling

in such cases was to publish lists of those who intended to claim enrolment, and thus warned of their danger the Dundas party made preparations to face a struggle at the Head Court.(1) Had these votes reached the Roll they would have had a decisive effect on the balance of power in Stirlingshire. Duntreath's intervention was the most serious attempt to pack the Roll with nominal voters to be made in that county since the unfortunate decisions of the Court of Session in 1755 had opened the way for such activities.(2)

By the 1780's, however, the Court of Session was reinterpreting the law, and at this period there was extreme uncertainty on the question of what constituted nominality in the eyes of the law. Any freehold of the requisite valuation constituted a qualification, no matter what the intrinsic value of the voter's rights in the land might be, provided the voter did not hold his qualification as the dependent of another. A mere superiority was a good qualification, even if the proprietor of the lands paid only a trivial feu duty of a penny to the superior. The Trust Oath was never an adequate safeguard, for it deterred only those of the most tender consciences, others had no difficulty in interpreting the words of the oath to suit their circumstances or else cheerfully perjured themselves. Since the Trust Oath was of little service as a means of discovering nominal voters, the Court of Session attempted to institute a more searching investigation into the status of suspected nominals in cases arising from a notorious

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1. William Morehead to General Fletcher Campbell, 29 Sept. 1787:
2. Thomas Forrester of Denovan & Others v Andrew Fletcher & Others
9 January 1755: Faculty Collection, vol.1, cxodiv.

election in Forfarshire in 1768, but the questions they proposed to ask suspected voters were disallowed by the House of Lords. There had been nominal voters in Stirlingshire before this period of course, for both Sir Thomas Dundas and Sir James Campbell made considerable use of them, but they had not been made in this blatant way, fourteen at a time. If Duntreath's attempt had succeeded, Stirlingshire would almost certainly have gone the way of so many other Scottish counties and lost the last traces of its independence to one or two great landowners. Almost certainly if Duntreath had succeeded in his attempt, the Duke of Montrose would also have intervened with a mass creation of fictitious votes. Fortunately, however, judicial opinion was far from constant on the question of nominality, and in 1787 the Court of Session was fairly evenly divided between those judges who felt that their hands were tied, and those who believed that some effort should be made to end the steady increase in the number of fictitious voters, which was clearly doing serious damage to local administration in general. Encouraged by a decision of the Court in a case from Renfrewshire, Henry Erskine, the leading Whig advocate, encouraged his Stirlingshire friends to resist Sir Archibald Edmondstone's coup de main by opposing the enrolment of any liferenter qualified on a superiority of nominal value.(1) Erskine pointed out that when

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1. Henry Erskine to Robert Graham of Gartmore, 27 Sept. 1787:
 'I observe from the News Papers a great number of Claims of Enrolment of Nominal & Fictitious Voters in the County of Stirling. I submit to your better judgement and ask you..... whether after the late Decision of the Court of Session & the Declared Sentiments of the Law Lords in the House of Peers you ought not to object to the enrollment of any Liferent of Superiority.....'. Cunningham Graham GD22/1/315

this had been done in Fife, it had attracted so much support from the real freeholders that no party had dared to oppose the exclusion of the nominal claimants.(1) There can be no question about the nominality of most if not all of Duntreath's voters, for according to the deposition of witness in a Court of Session case arising from this attempt to pack the Roll:

'His purpose, in making these votes, was to increase his own political influence, as had been done by most of the proprietors in Scotland; That it was no part of his view to derive a patrimonial advantage, by selling the superiorities, either in liferent or in fee; That he would not have granted a qualification to any person, who he supposed could be his political enemy in case of a contest.....'.(2)

Although there were fourteen claimants on qualifications made by Duntreath, these constituted only eleven votes, for in three cases both a fiar and a liferenter claimed enrolment, the fiar to vote in the absence of the liferenter. The Duntreath interest was already represented on the Freeholders Roll, for Sir Archibald Edmondstone was himself on the Roll and another liferenter, Major Charles Edmondstone, of the 18th Regiment of Foot, had been put on the Roll in 1774. Three of Sir Archibald's sons were among the claimants who qualified as fiars of portions of the estate of Duntreath together with three other gentlemen, James Cheap, late of Sauchie, Campbell Edmondstone, Lieutenant-Governor of Dumbarton

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1. Henry Erskine to Robert Graham of Gartmore, 27 Sept. 1787:
'It was a measure taken at the late Election in Fife independent of all Views to the Fate of the Election and a few steps of the same kind in other Counties would either tend to put an end to that unconstitutional mode.....or bring the question to a fair and Final Discussion.....'. GD22/1/315
2. Cheap v Morehead, 22 December 1790: Not reported in Faculty Collection, but a detailed account is given in Robert Bell: 'Treatise on the Election Law'.

Castle, and Captain Robert Davidson, of the late 83rd Regiment of Foot. These men in all probability would have hesitated to take the Trust Oath had they been qualified on mere liferents of superiority. The other five claimants were liferenters, and presumably possessed more flexible consciences. Apart from members of Duntreath's own family, the men who accepted his votes were predominantly lawyers, supplemented by soldiers and landowners unconnected with the county, James Cheap alone excepted.(1) The latter was a Stirlingshire laird who still retained property in the county although he had disposed of his barony of Sauchie upon which he was formerly qualified. Having paid Duntreath a fair price for his vote, James Cheap appears to have considered himself free of any obligation to vote as Sir Archibald directed.

Between the date of the submission of the claims and the Head Court, however, Sir Archibald Edmondstone's lawyers reconsidered the advisability of pressing the claims in view of the decisions of the Court of Session in the cases from Renfrewshire.(2) In the opinion

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1. The fourteen claimants were: Colonel James Edmondstone of Newton; William Archibald Edmondstone, younger of Duntreath; Robert Davidson, writer in Edinburgh; Niel Benjamin Edmondstone; Alexander Miller, advocate; Campbell Edmondstone; Captain Robert Davidson; James Cheap, late of Sauchie; the Hon. Archibald Campbell Fraser of Lovat; Lieutenant-Colonel Hay Ferrier, of the late Scots Brigade; Archibald Edmondstone of Spittal; James Davidson, W.S.; George Edmondstone; Charles Edmondstone.
2. William Macdowal v George Buchanan, 20 February 1787, and three other cases decided by the Court of Session on the same day. Faculty Collection of Decisions, vol.9, cccxlii, pp.482-488.

of Sir Archibald's confidential agent:

'The new freeholds are all set adrift by the decision of the Court of Session upon the Renfrewshire politics. By the President's casting vote, they have declared all votes, made in the way which yours and thousands of others are formed, illegal, nominal, and fictitious; and one of the judges went the length of saying on the bench, and repeating it to a crowded audience, that whatever may have been the case heretofore, he cannot imagine that any man, except scoundrels, will ever accept of such vote.....If the House of Peers shall support these new decisions in the Court here, then all must go root and branch.....'.(1)

Accordingly all fourteen claims were withdrawn, and after Lord Chancellor Thurlow gave some encouragement to the majority in the Court of Session opposed to the manufacture of fictitious votes, Sir Thomas Dundas's future in Stirlingshire politics looked much brighter. 'I think the Business at the last Head Court was amazingly well managed, and took a very unexpected turn', he wrote. 'I can not help thinking that they will find it difficult to bring on the votes of the Kilsyth estate after the Lord Chancellors Declaration in the last Renfrew Case'.(2) Any freezing of the existing position with regard to nominal voters would be very much to the advantage of the sitting member, for the recent decisions of the Courts still left some room for manoeuvre, and Sir Thomas Dundas believed that his votes could not successfully be challenged:

'I am in hopes that I shall be able to bring forward some of the Freehold Qualifications which were made by my Father, and some of which are vacated by Death, others are held by Persons having offices which prevent their voting at Elections, which I hope to get transferred without running foul of the Chancellors opinion, these with the assistance which I am promised by several good Friends, will I trust put me in a situation to resist any attempt which may be made.....'.(2)

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1. Report of *Cheap v Morehead*, 22 December 1790, in Robert Bell: 'Treatise on the Election Law', p.323.
2. Sir Thomas Dundas to General Fletcher Campbell of Boquhan, 1 November 1787: Saltoun 103.

A rumour that the Kilsyth votes were to be brought forward at Michaelmas 1788 in spite of the judicial opinion proved to be a false alarm, but Sir Thomas Dundas left nothing to chance and ensured that enough friendly freeholders attended the meeting to secure his interest whatever might develop.(1) A much more serious attack was launched during the winter of 1788-89, however, when a determined effort was made to establish a Ministerial party in Stirlingshire. Whether or not Sir Archibald Edmondstone was ready to bring forward his voters, there were Stirlingshire barons attached to the interest of William Pitt and Henry Dundas, and the occasion of this trial of strength was the Regency Crisis of 1788.

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1. Sir Thomas Dundas to General Campbell of Boquhan, 27 Sept. 1788:
 'I am informed that there will be an attempt to bring forward on Tuesday next the votes which were withdrawn last year, therefore if it is not inconvenient I shall be greatly obliged to you if you will attend the Head Court at Twelve o'clock....'.
 Saltoun 104.

(2) The County Meetings and the Election of 1790.

In November 1788, King George the Third became incapable of fulfilling his duties and it became necessary to appoint a Regent. However much Pitt may have wished to deny the office to his political enemy the Prince of Wales, there was no way for the Government to avoid giving the Regency to the heir to the throne. Pitt, however, chose to put his faith in the King's speedy recovery, and insisted that the Prince's powers as Regent should be restricted, and in particular that his right to name office holders should be limited for a fixed period. This decision occasioned a political crisis which persisted until the King recovered in February 1789, and the bitter arguments between the friends of Pitt and his Administration on the one hand, and the friends old and new of Fox and the Prince on the other, spread from Westminster into the constituencies, where they took the form of local trials of strength where rival addresses were canvassed. There was considerable support for Pitt's contention that the two Houses of Parliament had power to establish a limited Regency, for this could be seen as a logical extension of the concept of the sovereignty of Parliament if one chose to ignore the fact that the King was a necessary part of this allegedly sovereign assembly. Scottish opinion, according to the convener of Stirlingshire, leaned in general towards Pitt and the Ministry. 'Every where in this Country Mr. Pitt's Popularity has the ascendancy over that of Mr. Fox', he declared. (1) The Government, hard

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1. William Morehead of Herbertshire to Sir Thomas Dundas,
2 January 1789: Zetland. ZHK/X/2.

pressed in Parliament, took advantage of this favourable climate of opinion to encourage their friends to call local meetings where votes of thanks to Pitt should be moved, and in fact appealed to the people, in the sense of the political nation, for a vote of confidence which would declare their actions to be constitutional.

Sir Thomas Dundas had supported the Prince of Wales in the House of Commons, and his friend William Morehead of Herbertshire, the convener of Stirlingshire, avoided calling a county meeting for as long as he could, but:

'After parrying it for some time, I received a letter signed by Lord Fincastle, Sir Michael Bruce, his Son the Colonel, Mr. Ogilvie, Mr. Belsches, Mr. Ferrier, Mr. Strachan & Mr. Cadell, requesting me to call a meeting of the County of Stirling to consider the present situation of Public Affairs and what is proper for them to do. This was so pointed that there was no evading it. I was therefore under the necessity of calling the meeting, or I must have incurred the charge of evident Partiality. I have never been more fretted at any thing of the kind, I have every reason to believe that this has been done in order to move a vote of thanks to Mr. Pitt and his Friends. Knowing how disagreeable it must be for you', he told Sir Thomas Dundas, 'I have writton to all your most trusty friends the state of the case, conjuring them to come up with all their strength that we may meet this unforeseen attack and if possible subdue it.....'.(1)

The requisition to the convener, calling for a meeting of the county, was not signed exclusively by enemies of Sir Thomas Dundas and known ministerialists. Lord Fincastle, the eldest son of the Earl of Dumore, and Mr. Belsches of Greenyards, were certainly active supporters of the Administration, but most of the others were either uncommitted or even friendly to Sir Thomas Dundas.

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1. William Morehead to Sir Thomas Dundas, 2 January 1789; Zetland. ZNK/X/2.

Herein lay the chief danger to the Opposition interest in Stirlingshire. Opinion in Scotland was generally favourable to Pitt, but the Opposition politicians who had supported Fox at Westminster naturally had to resist any move to supply a vote of confidence in the Prime Minister from their own districts. However, if the right of Parliament to regulate the powers of the Regent was openly opposed, the party stood a very good chance of being defeated. The Court politicians for their part were well aware of the fact that a victory on the matter of an address might give them such an appearance of strength that they would sweep to victory at a General Election, which could not be long delayed whether Fox or Pitt was in power at the dissolution.

The most perceptive of the Opposition politicians resident in Scotland, Henry Erskine, the Dean of the Faculty of Advocates, saw the danger inherent in any attempt directly to reverse the motion calling for an address of thanks to Pitt, and strongly urged caution:

'As to addresses Be assur'd we are not idle in our Endeavours to check them', he told Sir Thomas Dundas. 'To meet the Foe on the General Point is perfectly vain, To fight mere opposition agt Ministry is equally so, Delay and that on a sort of middle & equivocal ground must be our sole object...'.(1)

The Dean of Faculty enlarged upon his opinion of the best method of dealing with addresses in favour of Pitt in a letter to one of the Stirlingshire freeholders:

'I think it may be successfully opposed independently altogether of the great Question of Right on this Ground, That the Vote as to the Powers of the two Houses obtained by the Ministers

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1. Henry Erskine to Sir Thomas Dundas, 3 January 1789: ZNK/X/2

'influence must ultimately prove the Object of Thanks or reprobation according to the use that is henceforth made of it. If it is followed up by an arrangement of the Regency consistant with Justice to the heir aparant and the proper Constitutional Ballance between the Legislative and Executive Branches of the Government those who disapprove the Vote on the General Ground may concur in praising the moderate use that has been made of it.....On this view I would ground a Motion to delay the Question till the great Business of the Regency shall be finally settled.....'.(1)

Henry Erskine's plan was adopted, but it was still essential to secure a good attendance by Sir Thomas Dundas's friends if it was hoped to carry the day against the supporters of the Ministry even with a policy of moderation. Sir Thomas Dundas's principal agent, Charles Innes, urged his employer to write directly to as many of the freeholders as time would permit:

'There is not a single moment to be lost in the Business. The meeting of the County is to be held on the 9th, So I intreat of you write me in course of Post, with letters to every Friend you have in the County whom you think will be Necessary to write to on this occasion.....If it be in Consequence of any plan of the M(arquis) of G(raham)'s or Sir A(rchibald E(dmondstone's) the more exertion will be necessary to defeat it, and if it proceed from your good friend the Abyssinian, Still the greater the defeat the better.....I shall be mortified beyond measure if we are vanquished in this Business.....'.(2)

Fortunately for Sir Thomas Dundas, the course of events soon established that neither Lord Graham nor the Laird of Duntreath had taken part in the project for an address. Even the meddlesome James Bruce of Kinnaird, (the Abyssinian) was innocent of complicity in the scheme. The inactivity of these known friends of Government contributed largely to the defeat of the project, for although

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1. Henry Erskine to Robert Graham of Gartmore, 2 January 1789:
Cunninghame Graham GD22/1/315.
2. Charles Innes to Sir Thomas Dundas, 2 January 1789:
Zetland. ZNK/K/2.

the county convener recovered from his early pessimism and seemed confident of success three days before the meeting, it was very difficult in fact to predict the outcome.(1) The main reason for the uncertainty was the composition of the county meeting, for unlike the election meetings it was not restricted to enrolled freeholders. A county meeting was an assembly of all the gentry of the county who cared to attend, and included the smaller landowners whether they were freeholders or not, together with the justices of the peace and the commissioners of supply. Consequently, although it was possible for politicians to predict the result of an election meeting with a fair degree of accuracy, the voting at a general county meeting was much more difficult to estimate in advance.

The county meeting was held at Stirling on the 9th January 1789, and was attended by 56 gentlemen, of whom only 21 were enrolled freeholders entitled to vote for a member of parliament. An interesting account of this meeting has been preserved among the papers of the Marquis of Zetland, which takes the form of a letter intended for publication in the newspapers. It was not printed, however, presumably to avoid giving gratuitous offence to the gentlemen who had signed the requisition for the meeting without being confirmed enemies of Sir Thomas Dundas. According to this anonymous correspondent:

'I was from Curiosity present at a numerous and respectable meeting of the County here today, Indeed, except one, I do not recollect to have seen so full a meeting these many years. It

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1. William Morehead to General Campbell, 6 January 1789: 'By the letters I have received and the engines that are at work I entertain the most sanguine expectations that we shall be able to foil this attack of our adversaries.....'. Saltoun 104.

'was called by Lord Fincastle (and others named) for the purpose of considering the present situation of public affairs, but in reality to vote an address of thanks to Mr. Pitt for his conduct in maintaining that it was the right of the two Houses to Elect any person they might think proper to be Regent during the King's melancholy Incapacity.

'Mr. Erskine of Mar was chosen preses by a very great majority, in opposition to Lord Fincastle, who had not above Eight or Ten Votes. After this the Letter from the above named Gentlemen requesting Mr. Morehead the convener to call a meeting of the County was read. These Gentlemen were then asked by the preses, whether they had turned their thoughts to the business, and if they had any motion or proposition to make to the meeting. After pausing a little and consulting together, one of the Gentlemen rose and said that he and his friends with whom he had acted had certainly an intention of offering something to the consideration of the County, but at present not expecting so full a meeting (here a loud laugh) he would move that the meeting should adjourn for a fortnight. Mr. Spiers of Culcreoch complained that it was very hard for Gentlemen to be obliged to come from the Country at this Season of the year, to attend a meeting of this kind, and then be told there was nothing to do but to adjourn for a fortnight. He added that he could not help thinking it was a strange reason to urge in support of the motion to say they ought to adjourn because "the meeting was the fullest, but one, that he, Mr. Belsches, had ever recollected to have seen". No answer having been made to Mr. Spiers, Mr. Belsches motion was then put, and it was carried to proceed by a great majority.

'After this the Gentlemen were again asked if they had any motion or proposition to make to the meeting. They however still remained silent. Mr. Spiers then begg'd to be heard for a few moments. He observ'd that the conduct of the Gentlemen who had requested the meeting appeared to him in an extraordinary light. He said that since they did not seem to know themselves the purpose for which the meeting had been called he would tell them. "I know", said Mr. Spiers, "that the purpose of calling this meeting was to vote an address of thanks to Mr. Pitt on his conduct with respect to a recent vote given by the two Houses of Parliament, for my part I think he deserves no thanks from his country, but since the Gentlemen will not bring forward their intended motion, I pledge myself to this meeting to do it, not from the love of making such a motion, but that the sense of the County, at so full and respectable a meeting, may be fairly taken upon it, and those who think Mr. Pitt deserves such a vote of thanks will give it to him, and those who think otherwise will reject it..... The Gentlemen who called the meeting again consulted among themselves, upon which Mr. Spiers withdrew to prepare his motion; and finding him determined to bring it forward, they said they would make the motion themselves.....'.(1)

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1. 'Extract of a Letter from Stirling 9th January 1789 intended to have been insert in the Mercury'. Zetland. ZNK/X/2

According to the minutes of the meeting, a motion that the thanks of the meeting should be presented to William Pitt, was rejected by forty votes to sixteen.(1) In spite of this massive majority, however, the friends of Sir Thomas Dundas followed Henry Erskine's advice and proceeded with caution, contenting themselves with a motion 'that Mr. Belsches motion was rejected on the ground of its being unnecessary and inexpedient, and the vote being put to agree or not to the said motion, It carried to agree by thirty eight votes to sixteen'.(1) As William Morehead explained to Sir Thomas: 'We might have carried a vote of thanks to you but it was thought better to do nothing farther than defeat the adversaries, and a vote of thanks to you was of no consequence and was sufficiently implied by the rejection of the motion'.(2)

About one week before the county meeting, when Sir Thomas Dundas's friends were uncertain of the result, his agent Charles Innes had asked the convener whether: 'Should such a motion be carried at the ensuing meeting by a majority of the smaller people, Do you think it would be possible so far to counteract it by getting a contrary address from the Freeholders of the County'.(3) In the event, the majority of the smaller people, in the sense of those who were not on the Freeholders Roll, supported Sir Thomas Dundas, voting 27 to eight in his favour, while Dundas also had a majority of thirteen to eight among the freeholders who attended the meeting.

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1. 'Minutes of the Stirling Meeting, 9th January 1789:
Zetland. ZNK/X/2
2. William Morehead to Sir Thomas Dundas, 10 January 1789: ZNK/X/2
3. Charles Innes to William Morehead, 2 January 1789: (Copy)
ZNK/X/2.

Thus on whatever basis the sense of the county was taken, the decision was favourable to Sir Thomas Dundas, and the latter had reason for his belief that the victory would 'damp the spirit of addressing the aspiring youth'.(1)

The minority, now generally known as the Carron Inn Junta from their place of meeting, were not easily reconciled to their humiliating defeat. Some members of the group, notably John Strachan of Woodside and William Caddell of Banton, had been well disposed towards Sir Thomas Dundas, but they now felt just as mortified as the known enemies. Charles Innes reported that those men:

'Are extremely offended at Mr. Morehead, the Dean of Faculty, and me for insinuating that a vote of Thanks to Pitt would have been a direct Censure of Your Parliamentary Conduct who had divided against him. But if we had not taken Care prudently to insinuate that the vote if carried would have been a personal affront to you, we would not have had half so numerous a meeting....'.(2)

Perhaps the most curious aspect of the affair is the evident lack of preparation by the Carron Inn Junta. Even the reason for their actions is uncertain, although there is no doubt that the idea of addressing votes of thanks to Pitt was encouraged by the Ministry, who sent Lord Advocate Hays Campbell to promote such meetings.(3) The instigator of the Stirlingshire meeting appears to have been Colonel Andrew Bruce, the eldest son of Sir Michael Bruce of Stenhouse, and a serving officer in the Army at this time, who had been joined by Lord Fincastle and Robert Belsches of Greenyards,

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1. Sir Thomas Dundas to General Campbell, 13 January 1789: Saltoun 104.
2. Charles Innes to Sir Thomas Dundas, 24 January 1789: ZNK/X/2
3. Henry Erskine to Sir Thomas Dundas, 3 January 1789: 'Every post brings us some fresh proof of the bad management of you southern Politicians. Hays Campbell accommodated with the means of Coming to Scotland to hunt for addresses by a tie off with one of our Friends....'. Zetland. ZNK/X/2.

both of whom were ministerialists. The support given to Colonel Bruce by his father Sir Michael, who had been regarded as a friend of Sir Thomas Dundas, may have induced others who were not committed to the Government to join the group. Colonel Bruce was quickly displaced as the leader of the group by Lord Fincastle, the heir of the Earl of Dunmore, and William Morehead of Herbertshire was convinced that he knew Fincastle's motive. 'Lord Fincastle wishes to give his English Friends a favourable view of his influence in this Country', he declared, 'and that he has been at pains to gain over the other Gentlemen, several of whom are always ready for any thing new'.(1) But if Lord Fincastle had hoped to demonstrate his influence he must have been sadly disappointed, and it is obvious that he and his associates had expected a thinly attended meeting. It would hardly be possible for political business to be more mismanaged than this affair of the address, and as the convener rightly observed, 'it was impossible to have conceived that eight Gentlemen of some consideration could have entered into such a scheme without some previous muster of strength or without having so much as settled the terms of their motion'.(2) William Morehead excused himself for having called a meeting at all by pointing out that:

'Seeing them persist in their requisition for this meeting after I had refused two successive applications I thought they must have a consciousness of strength that could induce so much perseverance, and thinking from their eagerness that they would state my refusal as a reason for calling a meeting themselves, I therefore thought that it would be the best way to meet them fairly.....'.(2)

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1. William Morehead to Sir Thomas Dundas, 2 January 1789:ZNK/X/2
2. William Morehead to Sir Thomas Dundas, 10 January 1789:ZNK/X/2

It seems probable that Robert Belsches and Lord Fincastle intended to use the strong current of opinion in favour of Pitt in order to establish a new Government party in Stirlingshire, but they may have lacked time to concert their actions with other friends of Government. On the other hand there is a possibility that they deliberately ignored the Marquis of Graham and Sir Archibald Edmondstone in order to emphasise their own influence. Some of the Carron Inn group may have been naive enough to believe that a vote in favour of Pitt's conduct would not have been a vote of censure on Sir Thomas Dundas who had opposed the Minister. According to Charles Innes:

'Sir Michael (Bruce of Stenhouse) & his Son, particularly the latter, were a good deal nettled that the proposed vote of thanks to Mr. Pitt should have been taken up by you, or at least by your Friends, as a party matter; that neither they nor any of the other Gentn. who signed the Letter meant or intended any offence to you, but merely to give Mr. Pitt their vote of Thanks as independent Country Gentn. for a Conduct which in their Opinion entitled him to the thanks of the County...'. (1)

Now ~~while~~ it is certainly true that during the course of the debate on the Regency question Fox and Pitt displayed little consistency, the former extolling the royal prerogative and the right of the heir to the throne to hold the Regency without limitations, while the latter took up an extremely Whiggish position; ~~and~~ it is therefore possible that some gentlemen normally sympathetic to the Opposition might feel attracted to Pitt's new line, ^{and} it is also possible without undue cynicism to see this indignation as a very natural response to a humiliating defeat.

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1. Charles Innes to Sir Thomas Dundas, 24 January 1789:
Zetland. ZNK/X/2.

Whatever their original motive may have been, the Carron Inn Junta were unwilling to abandon their plan, and immediately after their defeat at the Stirling meeting they began to look for additional support. 'They have been investigating & paying every attention in their power to every man they can find in the County who is possesst of a £100 Scots of valuation', reported Charles Innes.(1) Dundas's friends, however were too experienced in political management to accept their victory as final and were not taken by surprise. Charles Innes advised his employer that:

'These Gentn. whatever they may pretend as to you, have either been wrought upon to play Mr.Pitt's game, and mean to try another meeting of the County, or that they are so much ashamed & nettled at their late defeat, they are resolved of themselves to attempt another meeting from mere spite & opposition to you & your Friends....'.(1)

There was some substance to Innes's supposition that the Carron Inn group would try again, for at a meeting held at Carron Inn on the 14th January:

'It was unanimously agreed that the Sense of the County was not fairly taken at Stirling upon the 9th Current the greatest part of the Majority that day being composed of Nominal Voters and small Proprietors. The Gentlemen are of opinion that another general Meeting of the County should be called....'.(2)

There is something in this contention, for the majority of the members of the county meeting were small proprietors, and there undoubtedly were some nominal voters present, but the composition of that assembly gives little justification for calling another meeting. The implication of the Carron Inn party's declaration was that a majority of the real freeholders and large proprietors was to be found in their ranks, for to state that the greater part

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1. Charles Innes to Sir Thomas Dundas, 24 January 1789:ZNK/X/2.
2. Lord Fincastle to Robert Graham of Gartmore, 14 January 1789: Cunningham Graham GD22/1/315.

of a general meeting consisted of small proprietors was merely to state the obvious. If the freeholders present at the meeting are divided into real and nominal voters, the friends of Sir Thomas Dundas certainly included more nominal voters in their ranks, but they also had a majority of the real freeholders; the figures for Sir Thomas Dundas are eight real and five nominal freeholders, and for the Carron Inn Junta, one nominal and seven real freeholders. Undoubtedly the greater part of the Dundas majority consisted of small proprietors, with the members of the meeting in that category dividing 27 to eight, but it was the essential quality of a county meeting that it was open to any gentleman who wished to attend. Moreover, in spite of Lord Fincastle's assertion that his resolution had been adopted 'at a Meeting of many respectable and independent Gentlemen of the County of Stirling,(1) this great assembly consisted of five men.(2) Thus, a meeting of five took it upon itself to impugn the decision of the majority of a meeting of 56. Lord Fincastle wrote to Sir Thomas Dundas to explain his conduct and insist that he and his friends did not intend to make a personal attack on the member of parliament, but although Dundas replied politely and unusually promptly, he left Fincastle in no doubt that any further attempt to secure an address in favour of Pitt would be taken as a personal attack. 'You have really pism'd

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1. Lord Fincastle to Robert Graham of Gartmore, 14 January 1789: Cunningham Graham. GD22/1/315.
2. Charles Innes to Sir Thomas Dundas, 3 February 1789: 'I have a note....of the "many respectable & Independent Gentlemen" who attended the Second meeting at Carron Inn on the 14th of January. There were present Ld Fincastle, Mr. Belches, Mr. Strachan, Mr. Ogilvie, & Col. Bruce.....'. Zetland. ZNK/X/2.

'them to the wall by your answer', wrote Innes, as he prepared a counter-attack.(1)

Sir Thomas Dundas's party now determined to take the offensive, and concerted a plan to counter any further attempt to call a county meeting on the initiative of the Carron Inn Junta. If the Carron Inn group decided to ask for another meeting, it would show that they were determined to attack Sir Thomas, but it was agreed that the convener should acquiesce and call another meeting, after an appropriate delay designed to allow the terms of the Regency to be fixed by Parliament. When the gentlemen assembled, the Dundas party would throw out the motion for an address to Pitt, and substitute an address to the Prince Regent. Should the Junta take no further action, then Dundas's friends would take the initiative and ask the convener for a meeting to address the Regent. Care would have to be taken in the management of the gentlemen, however, for there was danger for Sir Thomas Dundas in the prospect of office should the Regent dismiss Pitt and invite Fox and his other friends to form an Administration. Some of the freeholders, and in particular Robert Graham of Gartmore, were likely to oppose any Government. Previously the Laird of Gartmore had been influenced by Henry Erskine, the Dean of the Faculty of Advocates, but Erskine was likely to be Lord Advocate in a new Government, and Sir Thomas Dundas was warned that 'the Dean must not meddle much with him. The Genl.(Campbell of Boquhan) says he is jealous of people connected as Mr. Erskine will be with the M(inistr)y for the time'.(1)

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1. Charles Innes to Sir Thomas Dundas, 28 January 1789:
Zetland. ZNK/X/2.

The Dundas party took great care to ensure that enough of their friends appeared at Stirling to make certain that a suitable address was voted:

'I have determined to see Genl. Campbell and Gartmore today, and other Gentlemen that ly in that quarter', reported the convener, 'to consider with each of them the circle that is in their environs..... request the Dean to write Mr. McKillop to be in readiness and to keep the Commissioners of Supply he has interest with in readiness like minute men in case of a call, let Mr. Nicolson be wrote to that we may have him in case of a necessity, and every body you can think of or Collect from the lists. I suppose Sir T(homas Dundas) will write us to whom he has applied, would it not be right that he had some communication with Lord Graham and Lord Elphinston to endeavour to keep them neuter, and not to agitate the County on the same subject of new.....'.(1)

Sir Thomas Dundas was singularly fortunate to have so many active supporters who promoted his interest in his absence. Dundas's agent, Charles Innes, was accompanied by William Morehead of Herbertshire, the convener, and General Campbell of Boquhan in his canvass, and both were associated in the planning of strategy. The three men divided the lists of freeholders, commissioners of supply, and other proprietors, giving each of Sir Thomas's friends a section to canvass.(2) All things considered, Sir Thomas Dundas commanded a very effective political machine in Stirlingshire, which could organize a campaign without the personal appearance of the member of parliament. Robert Graham of Gartmore, whose desertion was to

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1. William Morehead to Charles Innes, 28 January 1789: ZNK/X/2.
2. Charles Innes to Sir Thomas Dundas, 3 February 1789: 'From Stirling I went to Herbertshire on Saturday, and met with your Friend Genl. Campbell according to Appointment. Mr. Morehead, he & I had a long Conversation, & went through all our Lists, giving to each of your Steady Friends a part.....'.
Zetland. ZNK/X/2.

be feared in the event of a change in the Government, and who had considerable influence in the county, was fixed by William Morehead who persuaded him to put his signature to the letter requesting the convener to call a meeting to vote an address to the Prince Regent, and a number of other gentlemen whose views were uncertain were fixed in a similar way by a direct approach from friends whom they would hesitate to disoblige. Having signed the circular letter they were then committed to attendance at the meeting and support for the address to the Prince Regent.(1) Sir Thomas Dundas was sent a list of thirty gentlemen who might respond to letters from the member of parliament asking their assistance, and included among this number were the gentlemen of Carron Inn with the sole exception of Lord Fincastle.(2)

By the beginning of February the Carron Inn Junta were forced to admit their inability to muster sufficient support to promote an address in favour of Pitt, but Sir Thomas Dundas's friends refused to permit them to escape from the trap of their own making, and insisted that a second meeting should be held on the 14th February. The second Stirling meeting was even better attended than the first, with 68 gentlemen present,(3) and although it was dominated by the Dundas party they again exercised caution in the motions which were put to the assembly. The second meeting was overtly called to consider the propriety of addressing the Prince of Wales on his assumption of the Regency, and there was no delay therefore in

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1. Charles Innes to Sir Thomas Dundas, 3 February 1789:ZNK/X/2
2. 'List of Gent. to be wrote to by Sir Thos. Dundas for the Stirlingshire Second Meeting, 14 Febr.' Zetland. ZNK/X/2
3. 'Minutes of the Stirlingshire Meeting, 14 Feb.1789'.ZNK/X/2.

proceeding to business. Robert Graham of Gartmore, seconded by the convener William Morehead, moved for an address to the Regent, and submitted a draft so innocuously worded that no one could take offence. Accordingly, Gartmore's draft was approved unanimously.

On this occasion, however, Sir Thomas Dundas's friends were determined to put their victory beyond dispute, and a further motion was put to the meeting by the Honourable Captain Napier, seconded by Gartmore, 'That the thanks of the meeting be presented to Sir Thomas Dundas Baronet, the Representative of this County, for his manly, steady & uniform conduct in Parliament'.⁽¹⁾ This stung the Carron Inn Junta into another blunder, and:

'Lord Fincastle moved the previous question, which was seconded by Mr. Johnstone. The roll being called & votes marked it carried by forty-two to sixteen that Capt. Napier's motion should now be put. The original question being then put & the roll called, It carried by a majority of forty-two to eighteen.....to approve Captain Napier's motion....'.⁽¹⁾

The Carron Inn group thus fell into the trap which had been prepared for them, and once again suffered a humiliating defeat. A motion of thanks presented to the man who had represented the county for more than twenty years was not in itself necessarily controversial, and it need not have been taken by the Carron Inn group to imply approval of his conduct during the Regency debates. The gentlemen of Carron Inn, however, insisted that their dissent should be recorded in the minutes:

'Because the approbation of Sir Thomas Dundas's conduct in Parliament upon this occasion appears to them to involve in it the question of the right of the two houses of Parliament to supply

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1. 'Minutes of the Stirlingshire Meeting, 14 Feb. 1789'. ZNK/X/2.

'the deficiency in the third branch of the legislature in opposition to the hereditary right asserted in Parliament to belong to the Prince, during His Majesty's present indisposition, which doctrine of hereditary right, they conceived Sir Thomas Dundas has supported....'.(1)

Now, although Captain Napier's motion undoubtedly carried such an implication, it did not explicitly refer to Sir Thomas's recent actions, and it would have been wiser for the Carron Inn group to have made the best they could of that fact rather than draw attention to their numbers by having their names recorded in the minutes. From the point of view of Sir Thomas Dundas, this division and the pettiness displayed by his opponents was all to the good, for as William Morehead pointed out, the division would 'shew him the Gentlemen he must not depend upon, and stimulate him to strengthen himself from every other Quarter'.(2)

One third of the supporters of the Carron Inn Junta present at the meeting consisted of representatives of the burgh of Stirling and the three landowning charitable institutions within the town, Cowan's, Allan's, and Spittal's Hospitals. Four other members of the group were gentlemen not enrolled as freeholders and so only able to vote in the open county meetings, but there were seven freeholders among their number. Several of the members of the Carron Inn Junta, particularly John Johnstone of Alva, William Murray of Touchadam, Robert Haldane of Airthrey, and Lord Fincastle, had considerable potential for the creation of nominal votes if their lawyers could devise a method which would evade the difficulties

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1. 'Minutes of the Stirlingshire Meeting, 14 Feb. 1789'; ZNK/X/2.

2. William Morehead to Robert Graham of Gartmore, 17 February 1789; Cunninghame Graham. GD22/1/315.

introduced by the Court of Session. There was therefore a starting point for a ministerial party in Stirlingshire, and in the background there were Sir Archibald Edmondstone of Duntreath and the Marquis of Graham. Rightly, Sir Thomas Dundas's friends did not find it easy to accept that 'all this bustle and Cabal had no other object, except to procure a vote of thanks from this County to Mr. Pitt'.(1)

Stimulated by a rumour that the Carron Inn group were making an approach to the Marquis of Graham who managed the political affairs of the Montrose family, Sir Thomas Dundas's friends began to prepare for a contested election.(2) A survey of the superiorities of the Montrose family carried out for political purposes early in the nineteenth century, clearly establishes that this family possessed the power to dominate the politics of Stirlingshire if they had cared to make full use of the potentialities of their estates in order to create nominal votes.(3) Ignoring completely the lands possessed by the Duke of Montrose in property as well as superiority and concentrating on the lands in the immediate possession of his vassals, the Duke had at his disposal eleven qualifications. With the consent of Mrs Montgomery, wife of Lord Chief Baron Montgomery of the Court of Exchequer, a further four qualifications might be created on her property lands which she held as the Duke's vassal, and a further three votes could be made with little more difficulty.

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1. William Morehead to Robert Graham of Gartmore, 17 February 1789
Cunninghame Graham GD22/1/315.
2. Charles Innes to Sir Thomas Dundas, 31 March 1789: ZNK/X/2.
3. 'State of the Superiorities in the County of Stirling Belonging to his Grace James, Duke of Montrose affording Freehold Qualifications'. GD220/6/4.

Even then the resources of the dukedom were not exhausted, for there still remained lands feued to vassals valued at more than £3,000 Scots which had not been divided in the Cess Books, although that was not a serious difficulty. In addition there were considerable areas of land holding blench off the Duke, but whose valuation was not known to the factors; if the valuation could be ascertained these blench lands would constitute a very convenient source of nominal qualifications for their transfer would occasion no loss to the Montrose estate. If the full weight of the dukedom of Montrose had been thrown into any of the political struggles during the years in which nominal votes were in vogue, there is the strongest probability that freedom of election would not have survived, and that Stirlingshire politics would have become the farce which they were in certain other Scottish counties. This did not happen. Possibly the Montrose family feared a general mutiny of the genuine freeholders to preserve their rights, with all the loss of face which that would have entailed even in the event of Montrose's success, for it could only have been distasteful for a Duke to be supported only by factors, writers, and half-pay army officers, the usual holders of nominal qualifications, in opposition to the real proprietors of his county.

Had Lord Graham made his votes it is difficult to see how Sir Thomas Dundas could have survived, but his friends nevertheless pressed ahead with their canvass of the freeholders, encouraged by their successes in the two county meetings. Sir Thomas was advised to write to all those freeholders who had taken his part at the

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meetings if he had not already done so,(1) and to attempt to secure the votes of two new freeholders who were about to come on the Roll. (2) 'You must lay your account with passing some months next summer in this County and applying assiduously to your Canvass', the convener urged, 'and if Mr.Dundas (Laurence Dundas, Sir Thomas's eldest son.) is returning home he ought to accompany you in order to make himself known to the County'.(3)

In March 1789 the Carron Inn Junta again launched an attack in the hope of securing at the third attempt a victory in a county meeting. Their success would have been a decided setback for Sir Thomas Dundas's canvass, but once again they were thwarted. This time the meeting was held with only a few days warning, and letters from William Morehead the convener reached Edinburgh only two days before the meeting was to take place, where, as Charles Innes reported, 'it was supposed the Enemy meant to muster all their Forces and if strong enough to bring forward an address of their own to the King,(who had recovered his sanity) & a vote approving of the Conduct & measures of his Confidential Servants'.(4)

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1. William Morehead to Sir Thomas Dundas, 25 February 1789: 'I am glad you have written to Capt.Napier, and I hope you have also written to Gartmore, Gen.Campbell, and Mr.Dunmore, Mr.Erskine you would naturally write to on receiving the minutes.....'.ZNK/X/2 **Zetland**
2. William Morehead to Sir Thomas Dundas, 25 February 1789: 'There is McLauchlan of Auchintroig and Buchanan of Balfarning who are both entitled to come on the roll, who ought to be secured...'.ZNK/X/2
3. William Morehead of Herbertshire to Sir Thomas Dundas, 25 February 1789: Zetland. ZNK/X/2
4. Charles Innes to Sir Thomas Dundas, 31 March 1789: ZNK/X/2.

The occasion of the new attempt was the King's recovery in February, which had terminated the Regency debate. One of the original members of the Carron Inn group, William Caddell of Banton, had been drawing away from his former associates and had declined to attend the second Stirling meeting in February,(1) but he was still kept informed of their plans. Banton now informed his acquaintance Charles Innes, Sir Thomas Dundas's agent, that his former associates in calling a third meeting 'were determined to have gone as far as they could in expressing their Approbation of Pitt's Conduct & Measures', and this time they came much closer to success.(2) After making every effort possible in the time available, Charles Innes and William Morehead again secured a majority at Stirling, but it was a close contest for, as Charles Innes reported:

'We mustered at the meeting in whole 23. The Enemy mustered 16, and the day was so very bad that, for about half an hour, Mr. Morehead & I thought we would have been in the Minority, which would have been a most unfortunate Circumstance.....We are extremely happy at the fortunate escape we had made: For had either our Edinr. or Kerse Troops failed us, we must infallibly have been outvoted....'.(2)

Obviously the Carron Inn group had planned their attack more carefully on this occasion and mustered most of their strength, for it was only the quick response of Charles Innes to Morehead's warning that enabled the Dundas party to secure a majority of seven. The numbers at the March meeting were in fact so nearly balanced that the two parties compromised on another uncontroversial address

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1. William Morehead to Sir Thomas Dundas, 25 February 1789: 'I think Mr. Cadell is drawing off, he wrote me he ~~was~~ not to attend the meeting on the 14th for the address....'. Zetland. ZNK/X/2
2. Charles Innes to Sir Thomas Dundas; 31 March 1789: ZNK/X/2.

which was unanimously adopted. The third county meeting can be regarded as another victory for Sir Thomas Dundas, and certainly his friends by their exertions prevented the Government party from gaining confidence from a success at the meeting, but the Dundas party had been frightened, and their alarm grew with further study of the electoral roll. Unfortunately Sir Thomas Dundas did not share their concern, for living as he did in England, Dundas was out of touch with the mood of the county, and the successes of his interest in the county meetings induced a dangerous complacency. It is difficult to quarrel with the opinion of a political associate of Sir Thomas Dundas who declared: 'Sir Thomas is a most respectable good man but he is surely no very active politician'.(1)

In the spring of 1789 the danger seemed so great that Sir Thomas Dundas was told bluntly by his agents in the county that he was in danger of losing the next election in spite of the support given to him at the county meetings. Charles Innes insisted that Morehead and he:

'Are very apprehensive you will lose the County at the next Election unless you immediately make great Exertions and add to the number of your Friends. In these Circumstances we would recommend to you to come to Scotland as soon as possible that you may, before any other Candidate Appear, secure those who are doubtful or unengaged.....'.(2)

A survey of the freeholders drawn up in April 1789 showed that they had cause for alarm.(3) The Freeholders Roll contained 74 names, of

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1. Laurence Hill to William Adam, 6 April 1789: Donald Ginter: 'Whig Organization in the General Election of 1790', pp.51-2.
2. Charles Innes to Sir Thomas Dundas, 6 April 1789: ZNK/X/2
3. 'Roll of Freeholders Stirlingshire, 17th April 1789: ZNK/X/2.

whom nineteen were divested and a further three could not attend, leaving 52 potential voters. According to the calculations of Sir Thomas Dundas's agents he could only rely upon the support of 26 voters, leaving 26 who might oppose him, so that unless Dundas added to the number of his supporters he was in serious danger of losing the next election. Part of Sir Thomas's troubles had been caused by attacks of conscience on the part of some of his nominal voters in the aftermath of the hard things said by the judges about the holders of such qualifications. Harry Davidson, for example, wrote to Sir Thomas Dundas to inform him that he could:

'by no means continue to hold the above qualification, without paying you the full value of it, and when I pay you the value, I shall consider myself at perfect liberty to act upon it fully and freely, at my own pleasure and discretion, without any supposed Confidence or honorary engagement whatever towards you or your family, but will act in any manner agreeable to myself, and Vote for or against you, as it may suit my own inclinations at the time. Upon these terms I shall be ready to settle and pay the value, but if they are not agreeable to you I shall immediately divest myself of my qualification in favour of You or of any person you shall be pleased to mention....'.(1)

But if the Roll of the existing freeholders was delicately balanced, Sir Thomas Dundas's enemies were by no means at the end of their resources, and the situation could become much more serious before another election took place.

Charles Innes was very apprehensive that new enrolments might turn the balance decisively against Sir Thomas Dundas, and advised the latter that:

'Mr. Morehead & I see so much danger from the force that can & undoubtedly will be brought against you by some of the Carron

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1. Harry Davidson to Sir Thomas Dundas, 3 March 1769:
Zetland. ZNK/X/2

'Im Junto, Lord Graham, the Duke of Hamilton, Sir A. Edmonstone, Sir W. Murray, Mr. Johnstone etc. that we are very Apprehensive of the Consequences the more especially as Sir Archd. has no less than Eleven votes ready to come on the Roll, and to be used against you, while on the other hand we hardly know one in Condition to Come on the roll who may be friendly towards you, except Balfunning & Auchintroig.....'.(1)

There were in fact 23 freeholders ready to come onto the Roll, and twelve not eleven, as Innes stated, were made by Edmondstone of Duntreath. Of the remaining claimants, one was disqualified from voting by reason of his office, and two were in the East Indies and so can be left out of the calculation. It was considered improbable that more than five of the new claimants could be secured for Sir Thomas Dundas, leaving at least three for the Carron Im party in addition to the votes made by Duntreath, so that if this calculation was correct Sir Thomas Dundas stood to lose his election by ten votes.(2)

Pro	26	Contra	26
Pro to be inrolled	<u>5</u>	Contra to be inrolled	<u>15</u>
	31		41

Sir Archibald Edmondstone, therefore, had it in his power to decide the election in favour of the Ministerial candidate if he could get his voters onto the Roll, while in the background there were also a number of votes made by the Duke of Hamilton in 1774 and never used which might now be brought forward.(2) Nevertheless the new voters were not yet enrolled, and if something could be made of the existing Roll all was not lost. Accordingly, Sir Thomas's doers quickly

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1. Charles Innes to Sir Thomas Dundas, 6 April 1789: ZNK/X/2
2. 'List of Freeholders who are ready to be inrolled and to vote at next Election'. Zetland ZNK/X/2.

completed the sale of qualifications to two of Dundas's friends who lacked votes in Stirlingshire, Sir William Augustus Cuninghame of Livingstone, one of the leading barons of Linlithgowshire, and his son, Lieutenant-Colonel David Cuninghame, and hoped for a majority on the old Roll which would permit them to be enrolled when they were ready and at the same time keep off the enemy claimants.(1)

Sir Thomas Dundas gave his friends little help in their defence of his parliamentary seat, for he allowed the summer of 1789 to pass without making an appearance in Stirlingshire in spite of Charles Innes's repeated warnings. Innes advised his employer that:

'It is a most unfortunate Circumstance that you should have been prevented at this time from coming to Stirlingshire where "Your Friends begin to despair of seeing you, and your Enemy's say they do not expect you". I say this on Capt. Graeme's authority who had it from a Stirlingshire Gentleman a few days ago. I have no doubt but some of your good natured Friends both there and here, will be ready to putt the very best Construction upon your absence, and to ascribe it to any reason but the true one, especially if they shall afterwards see you attending the Prince of Wales at the York or Richmond Races. On this and many other accounts, it is the opinion of the Dean & all your Friends here, that Mr. Dundas (Sir Thomas's eldest son) should come down immediately, as we (at present) cannot offer any good Appology for his staying away....'.(2)

Sir Thomas Dundas enjoyed poor health, and there was some excuse for his spending the summer at his Yorkshire residence of Upleatham, near Northallerton, although this estate was unfortunately also well placed for the racecourses of York and Richmond, but there was no

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1. Charles Innes to Sir Thomas Dundas, 4 July 1789: Zetland ZNK/X/2
2. Charles Innes to Sir Thomas Dundas, 29 July 1789: ZNK/X/2.

such excuse for the absence of Laurence Dundas, Sir Thomas's eldest son. There was no one more ready to take offence at any appearance of neglect than a Scottish freeholder, and a personal connection between the member of parliament and his constituents remained essential to the maintenance of an interest. It may not be too much to infer that it was Sir Thomas Dundas's absence from the county during and after the intense political activity in connection with the three county meetings which reduced his support among the freeholders to half the total Roll. Sir Thomas Dundas's liking for the sport of kings was well known, and it was surely ingenuous for a politician replying to a request from one of the leading barons for his attendance at a meeting in favour of burgh reform to plead sickness, and then emphasise the poor state of his health by expressing doubt of his ability to join the Prince of Wales at York Races.(1)

Sir Thomas Dundas had been assured by Sir Archibald Edmondstone before he left London that Sir Archibald knew of no opposition intended in Stirlingshire.(2) But although Sir Archibald was a supporter of the Government, he had taken no part in the activities

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1. Sir Thomas Dundas to Robert Graham of Gartmore, 17 August 1789: 'you may be well assured that I should with great Pleasure have attended the Convention of the Burgesses on the 19th Inst. for I trust there is no man who more heartily wishes success to their endeavours than I do, But I am sorry it will not be in my Power.....I have been ill ever since I came from London with a low Fever whichrenders (me) unable to attend to any sort of business. I was commanded by the Prince of Wales to meet HRH at York on the 24th of this Month, and I really doubt, at present, whether I shall be able to go.....'.(GD22/1/315
2. Sir Thomas Dundas to Robert Graham of Gartmore, 17 August 1789: Cunninghame Graham. GD22/1/315.

of the gentlemen of Carron Inn, and it was beyond all doubt that apposition was intended, for on the 5th August 1789, Robert Belsches of Greenyards, a member of the Carron Inn Junta, lodged objections to 26 of the freeholders on the Roll. All of the freeholders against whom objections were stated, needless to say, were known or possible supporters of Sir Thomas Dundas. This crisis forced Sir Thomas into activity, and having attended personally to the mustering of an adequate body of supporters, he was in Stirling for the Michaelmas Head Court of 1789.(1)

Fifteen freeholders appeared at the Michaelmas meeting on the 6th October 1789, and at least nine barons voted with Sir Thomas Dundas, who was chosen to be preses of the meeting.(2) After striking from the Roll the seven freeholders who had died since the last meeting, the Head Court proceeded to the important business of the day, the objections lodged by the Carron Inn Junta. The objections were well documented and were sustained by the meeting against fifteen out of the 26 freeholders of whom Robert Belsches had complained. The derolment of twelve of the fifteen had been anticipated by Sir Thomas's party, and there would have been little point in attempting to use their majority to repel the objections when their decisions would have been overturned by the Court of Session,(3) but the loss of the vote of James Erskine, Lord Alva, and John Francis Erskine of Mar, as fiar and liferenter respectively, had not

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1. Sir Thomas Dundas to General Campbell of Boquhan, 3 October 1789: 'I really think it is of material Consequence to have a respectable appearance of my Friends upon that occasion...(Michaelmas meeting) Saltoun 104.
2. Freeholders Minutes, 6 October 1789: SC67/59/4/281.
3. List marked 'Gentlemen whose names stand on the roll at present, but cannot vote and must be struck off'. Zetland. ZMK/X/2.

been predicted.(1) The Dundas party, however, successfully defended three other voters, for the Carron Inn group were unable to establish conclusively that they were disqualified, and Robert Belsches did not proceed with his objections against the remaining eight voters against whom he had lodged objections.

There were nine claimants at the Michaelmas meeting of 1789, and eight who possessed unexceptionable titles were enrolled without cavil, but the remaining claimant, Sir Alexander Campbell of Ardkinglas, was not acceptable to the majority of the meeting. Sir Alexander was the son of the late Sir James Campbell of Ardkinglas, who had represented Stirlingshire in Parliament from 1747 to 1768, and he claimed a vote as apparent heir qualified on the superiority formerly possessed by his father. Sir Alexander was an officer serving in India and could not be present, but he was represented by John Campbell, a Stirling writer. Although Sir Thomas Dundas at that time had no evidence that Sir Alexander Campbell might be a rival, the latter's enrolment was resisted, and the claim was rejected on the ground of alleged discrepancies between the dates given in the claim and those of the vouchers given in evidence, and because there was some ambiguity in the names of the lands as they were stated in the valuation certificate and in the other titles.(2) This was the action of an experienced politician, for in the situation which prevailed in the autumn of 1789 there were only two possible rivals who might challenge Dundas. The first of these,

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1. Freeholders Minutes: SC67/59/4/284.

2. Freeholders Minutes, 6 October 1789: SC67/59/4/306.

Sir Archibald Edmondstone of Duntreath, had categorically denied all knowledge of a plan to oppose Sir Thomas Dundas, and there was no reason to doubt his word. The only other possible challenger with a considerable interest in Stirlingshire was the new Laird of Ardkinglas, who as a military officer might hope to further his career by recovering the position which his father had held in the county. Consequently, with an election imminent and a section of the freeholders already dissatisfied, it was advisable to keep Ardkinglas out of the Roll for as long as possible. None of the freeholder members of the Carron Inn Junta were sufficiently prominent in the county to be convincing candidates, but they did provide the nucleus of a party for a suitable challenger, although in the event of Sir Alexander Campbell choosing to stand, it was always a serious tactical disadvantage for a candidate to be also a claimant at an election meeting.

Early in March 1790 the identity of the Court candidate was disclosed, and it was placed beyond doubt that Henry Dundas intended to add Stirlingshire to his political empire. William Morehead informed his friend General Campbell that:

'The Treasurer of the Navy has at length raised up a Competitor to Sir T. Dundas in this County. I have intelligence that Sir Alex. Campbell is on the road if not already arrived to begin his Canvas, backed with the interest of administration, that of Sir Arch. Edmonstoun, and what can be collected of the late Sir James's interest....'.(1)

As usual Sir Thomas Dundas relied heavily upon the active support of his friends who were asked to solicit all their acquaintances among the freeholders, for the Dundas interest consisted of many

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1. William Morehead to General Campbell of Boquhan, 6 March 1790. Saltoun 104.

smaller groups.(1) General Campbell of Boquhan suggested the establishment of a committee to direct the campaign, which would have had the advantage of associating a number of Sir Thomas's friends in the organization of the canvass, but the plan was not adopted and co-ordination remained the responsibility of Charles Innes, Sir Thomas's principal agent in Scotland.(2) Sir Thomas Dundas naturally did not neglect to pay the compliment to his more active supporters of asking their advice jointly, but this was only done fairly late in the campaign.(3) Nevertheless, no matter how actively the barons were canvassed, the party of Sir Thomas Dundas could not hope to gain sufficient support to carry the election if all the votes which had been prepared should be brought forward at the election meeting, and as Sir Thomas was advised, 'every thing will depend on the Consciences of Sir Archd. Edmonstones nominal Voters'.(4)

Contrary to popular belief it was not unknown for a nominal voter to have a conscience, and according to Henry Erskine some of the holders of Sir Archibald Edmondstone's qualifications were in

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1. Charles Innes to General Campbell, (no date 1790): 'Sir T. trusts much to the Exertions of you & his other Friends to gain as many proselytes as in your power, as well as to confirm those who have embraced the true faith. It would be a great point, if we could prevail on Mr. Glen & Lt. McLachlan to be for us, or at least to be newtral. I hope Duchray will not go against us. Perhaps in considering the roll by yourself, some thing of use may occur to you'. Saltoun 104.
2. Charles Innes to General Campbell, (no date 1790): 'I like your idea of a Committee much, & wish it had been thought of & followed last year. There is no help now, we must endeavour to do our best & fight a good battle.....'. Saltoun 104.
3. Sir Thomas Dundas to General Campbell, 22 June 1790: Saltoun 104.
4. Henry Erskine to Sir Thomas Dundas, 23 March 1790: ZNK/X/2.

this condition. Erskine advised Sir Thomas Dundas that:

'Some I know will not take the Oath, James Ferrier is one, Campbell of Fairfield is also one of them, He is now in London, If you press him I am confident he will stay away from the Election. Col. Lyon will not swear, This I am assured of by Harry Bethune to whom he said so....'.(1)

It was a dangerous practice to give nominal qualifications to men with too nice a sense of honour, for should one of the nominal voters have an attack of conscience at an election meeting and refuse the oath, there was a danger that such an example might prove contagious, and that others normally more pliant might refuse to swear that they were in absolute possession of the lands which constituted their qualifications. This at least gave some hope to the Dundas party.

Writs for the General Election were issued on the 12th June, and the Sheriff-depute of Stirlingshire called the freeholders to Stirling on the 6th July 1790. As the politicians had anticipated there was a substantial attendance, with 53 freeholders present out of a possible 62.(2) There was an immediate division upon the question of the choice of a preses; Sir Thomas Dundas was proposed by Robert Graham of Gartmore, while the friends of Sir Alexander Campbell moved that James Bruce of Kinneird should take the office. The vote was close, but the decision was carried in favour of Sir Thomas Dundas, by 27 votes to 26, and he ensured his victory by declaring that in the event of any equality appearing between the parties he gave his casting vote as last elected representative in his own favour.(3)

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1. Henry Erskine to Sir Thomas Dundas, 23 March 1790: ZNK/X/2
2. Freeholders Minutes, 6 July 1790: SC67/59/4/316-7.
3. Freeholders Minutes: SC67/59/4/318.

If the list of voters given in the Freeholders Minutes is compared with the list prepared for Sir Thomas Dundas in April 1789 and the Stirlingshire chapter in the 'Political State of Scotland', a very slight swing in favour of the sitting member can be detected.(1) In the list prepared in the spring of 1789, the qualified freeholders on the Roll and able to attend an election were divided 26 to 26, and at the vote for preses on 6th July 1790 both parties received the support of twenty out of the 26 freeholders who had been marked for them in April 1789. Sir Thomas Dundas appeared to lose some ground for a time through the activities of the Carron Inn Junta but this was more than regained, for three of the gentlemen associated with that group, William Caddell of Banton, John Ogilvie of Gairdoch, and Sir Michael Bruce of Stenhouse, all of whom had been marked for Sir Thomas Dundas in April 1789 and feared lost to the enemy, had all rejoined him by the date of the election. Sir Thomas, moreover, gained two votes from the Government party, for General Ralph Abercromby (2) and William Glen of Forganhall (3) both of

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1. 'Roll of Freeholders Stirlingshire 17th April 1789'. Zetland ZNK/X/2; Freeholders Minutes, 6th July 1790. SC67/59/4/318. 'Political State of Scotland in 1790', pp.322-338.
2. 'General Abercromby....notwithstanding his intimate connections with Mr.Dundas,(Henry Dundas of Melville) will, it is said, vote for Sir Thomas'. Political State, p.338.
3. 'William Glen of Forganhall is supposed.....to lean against Sir Thomas'. Political State, p. 334.
Anonymous to Sir Thomas Dundas, 29 November 1789: 'There is a neighbour of yours Mr.Glen a Freeholder in Stirling Shire, if you wish for his Interest in the County I am of opinion it might be procured by Introducing or recommending him to some of your friends that is a Colonel of a Regiment so that they might employ him to furnish part of their Clothing, he being a dealer in Shoes, Stockings & Linens & keen for trade if this meet with your approbation it may be securing a friend at no expence as he may serve your friends on as low terms as they are at present'
Zetland. ZNK/X/2.

whom were listed as uncertain or opposed in the spring of 1789, supported him at the election. One of the voters enrolled by the Dundas interest at Michaelmas 1789, Walter Buchanan of Balfunning, had also formerly been marked with the Court party.(1)

The Court party, in addition to the twenty voters whom they had retained from those listed in April 1789 and two enrolled at the Michaelmas meeting of 1789, made up their numbers with four voters who had been considered disqualified as early as April 1789. Objections had even been lodged against two of the four, Hugh James Paterson Rollo and Colonel Andrew Lyon, by Sir Thomas's enemy Robert Belsches of Greenyards.(2)

If the voting for preses is considered in relation to real as opposed to nominal voters, Sir Thomas Dundas had a much more convincing majority, since out of his 27 votes only five were nominal, while out of the 26 who supported James Bruce of Kinnaird, eleven were nominal in origin, although one Dr. James Hay, who had obtained his vote from the late Sir James Campbell of Ardkinglas, considered himself sufficiently independent to offer his qualification for sale.(3) The election meeting proceeded in the normal way, with the initial majority decisive. There were eleven claimants at the election meeting, eight in the interest of Sir Alexander Campbell

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1. Mr. Buchanan of Balfunning. Undeclared. Pretty independent.... Not much connected with the County. Sir Thomas got his uncle an office on the Canal'. Political State, p. 337.
2. The objection against Rollo was dismissed by the Head Court, and Mr. Belsches withdrew his objection to Colonel Lyon's vote. Freeholders Minutes, 6 October 1789: SC67/59/4/284 and 288. Both are marked in the Political State as 'thought to be discharged.
3. Political State, p. 328.

and three in the interest of Sir Thomas Dundas. Of the eleven claimants only four were enrolled, the three friends of Sir Thomas Dundas and another gentleman who could not decently be rejected, William Forbes of Callander, whose estate constituted the largest freehold property in the county, with the possible exception of the dukedom of Montrose.(1)

In line with the apparent intention of the Court of Session and the House of Lords to take a more determined stand against nominal votes, the majority on this occasion did not content themselves with simply administering the oath of trust and possession, although this was sufficient to rid the Roll of two of Sir Alexander Campbell of Ardkinglas's friends, Colonel Lyon and Colonel Duncan, who both declined to take the oath. Additional and more searching enquiries were made to establish the status of suspected voters who were ready to take the oath. For example, when Colonel Dundas proposed that the Trust Oath should be put to James Ferrier, who was qualified on a liferent of superiority, he asked "Whether his estate was part of the Entailed Estate of the family of Argyle" ? Mr. Ferrier answered that:

'altho he did not consider the questions as regular, he would answer it, but would first take the liberty of explaining the nature of his freehold which he had now held for 16 years without challenge, the gift of a nobleman to whom he owes many other favours. The freehold has produced to him betwixt four and five pounds sterling yearly, and he has entered vassals from whom he has received considerable compositions, particularly one of near

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1. William Forbes was enrolled on the valuation of his entire estate. Freeholders Minutes: SC67/59/4/339. He had purchased the estate, the former earldom of Linlithgow and Callander, for £85,000 in 1783. Nimmo: 'History of Stirlingshire', vol.2, p. 260.

'360 Sterling from a Gentleman now present, Mr. Dunmore. That in these circumstances he feels the most thorough conviction in his own mind that this is neither a nominal or a fictitious estate, altho it makes part of the Dukedom of Argyle which is certainly held under an entail. Whereupon Mr. Ferrier took the said oath..
.....'.(1)

The Duke of Argyle's lawyer, James Ferrier, easily disposed of the questions, but other freeholders were not so glib. When David Ballingall was asked:

'Whither he has drawn any feu duty or profits from his superiority since he has been put on the Roll of freeholders, and what and when, and whither he has entered any vassals or received any composition on that account, and when and to what amount and from whom, and whither he has been at any expence in making up his titles to be enrolled, and if he has his title deeds in his possession, or ever had, and whither he does not know that this makes part of the entailed Estate of the family of Wigton. To which Mr. Ballingall refused to make any answer, but said he was ready to take the Trust Oath. Upon which Mr. Johnston stated, that as he had refused to answer that he should be held as confesst and ordered to be struck off the Roll....'.(2)

Fortunately for the silent Mr. Ballingall he was a member of the majority, or else he would certainly have been struck off. The oath of trust and possession was put to fifteen of the freeholders on the Roll, and six of them were more closely examined, but only the two who refused the oath were struck off the Roll. Another two of Sir Alexander Campbell's supporters, however, were struck off at their own request as divested of their qualifications.

Nominality was also alleged against one of the successful claimants, William Morehead, younger of Herbertshire, the son of the convener. Young Herbertshire claimed a vote for certain lands in

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1. Freeholders Minutes: SC67/59/4/323.

2. Freeholders Minutes: SC67/59/4/324.

the parish of Dunipace which he held in liferent and had obtained from his father. John Johnstone of Alva objected:

'That ex facie his qualification is a simple liferent of a naked superiority erected for the purpose of giving a freehold qualification, and appears to fall under the description of other nominal liferent votes which have by late decisions been found and declared insufficient to constitute a freehold qualification'.(1)

Morehead, however, claimed that a liferent given by a father to his eldest son who in due course would succeed to the fee, was less exceptionable than a similar liferent granted by a Peer or a great commoner to a stranger, but when Johnstone demanded that he should answer more searching questions, Morehead refused to reply, although he insisted that his qualifications were sufficient. But Morehead, like David Ballingall, was a friend of Sir Thomas Dundas, and although Johnstone insisted:

'That a Liferenter claiming to be inrolled on a naked Superiority and refusing to answer the questions put to him....is to be held in the eye of the Law as having no other than a nominal and fictitious qualification, and therefore called upon the freeholders to reject the Claim....',(2)

the majority decided to enroll Morehead. The success of claimants whose political views coincided with those of the majority of the freeholders on the Roll was normally to be expected during a political struggle, just as the corollary was the rejection of claimants favouring the minority party. There would be little point therefore in looking closely at the reasons assigned by the dominant faction to justify their decisions were it not for the question of nominality. The point at issue in this election was not simply which politician was to represent Stirlingshire in Parliament, the most important

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1. Freeholders Minutes, 6 July 1790: SC67/59/4/337.
2. Freeholders Minutes: SC67/59/4/338.

question to be decided was whether the genuine freeholders could preserve some measure of freedom of election, which could only be ensured by restricting the enrolment of nominal voters. There is no doubt that the majority of the Stirlingshire nominal votes, whether made or potential, were in the interest of Government, which in practice meant in the interest of Henry Dundas. If more nominal voters could be put onto the Stirlingshire Roll and added to the genuine freeholders who for one reason or another would adhere to Government, this might be sufficient to terminate all political controversy in the county and make the member of parliament the nominee of the Treasurer of the Navy, as had happened elsewhere.

Four of the rejected claimants in Sir Alexander Campbell's interest, Charles Edmondstone, George Edmondstone, Lieutenant-Colonel Hay Ferrier, and James Cheap, claimed enrolment on life-rents of superiority obtained from Sir Archibald Edmondstone of Duntreath. Certain technical objections were made to the manner in which the documents instructing the claims were drawn, but in essence the objection was that stated by William Morehead of Herbertshire when opposing the enrolment of Colonel Hay Ferrier, that:

'The Claimant's pretended qualification is altogether nominal, fictitious and confidential, never intended to give him a free and independent freehold for his own behoof but like others of a similar nature which have lately been so justly reprobated in the House of Lords as well as in the Court of Session, calculated solely to increase the political interest of Sir Archibald Edmondstone from whom it flows, by enabling him to give more votes than one in the election of the Member of Parliament.....'.(1)

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1. Freeholders Minutes, 6 July 1790: SC67/59/4/345-7.

It would be difficult to deny that this was a fair statement of the case, and although Colonel Ferrier asserted that he had a conveyance of the fee even though he claimed on the liferent, the objector rightly replied 'that when the Conveyance of the fee is produced it will be time enough to take notice of it'.(1) Charles Edmondstone, who was Sir Archibald's second son, insisted that he held his superiority:

'absolutely and indefeasibly in virtue of a Gift from his father, which he considers as a part of his patrimony....he is at full liberty to dispose of them as he pleases, That he feels himself under no obligation directly or indirectly, in honour or otherwise to redispone the lands or to vote except in the manner which may be most agreeable to himself, And that he is ready not only to take the Oath of Trust and Possession but to answer any other interrogatories that may be put to him by the Meeting..
.....'.(2)

Charles Edmondstone's readiness to submit himself to any enquiry served him no better than did the intransigence displayed by some of the other nominal voters, for his claim was rejected.

These cases show the difficulty of dealing with allegedly nominal voters. The statement volunteered by Charles Edmondstone was almost certainly accurate, for he probably did regard his vote as absolutely his own and did not consider himself under an obligation to reconvey the qualification or to vote as directed. Colonel Ilay Ferrier and James Cheap likewise possessed conveyances of the fee of the lands constituting their qualifications, and Cheap at least had paid a fair price for his qualification. Nevertheless, it is difficult to regard these votes as genuine, and their manufacture

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1. Freeholders Minutes, 6 July 1790: SC67/59/4/347.

2. Freeholders Minutes: SC67/59/4/353.

unquestionably was intended to increase the political influence of Sir Archibald Edmondstone of Duntreath. James Cheap was the only one of Duntreath's voters who had a real connection with Stirlingshire, and if there is some uncertainty about the nominality of his vote, there can be little question but that the others were fictitious. Few men who hoped to increase their political influence by the manufacture of votes would now attempt to tie the hands of their voters with backbonds as they had done earlier in the century, but this does not mean that there was not an implication that those who accepted the votes would give due consideration to the political interests of their author. Ignoring Cheap, who as a man known to be a friend of Government could vote with Sir Archibald with a clear conscience because their political views coincided, the other voters lack of real Stirlingshire connections made it probable that, without any close definition of their obligation, they would vote with their author. Two of the claimants, Charles and George Edmondstone, were younger sons of Sir Archibald, and failing a serious family quarrel they would be likely to support the family interest. The remaining voter, Colonel Hay Ferrier, had been lieutenant-colonel of one of the regiments of the Scots Brigade in the service of the United Provinces, but had resigned his commission in that service in 1783 and was one of the half-pay officers who frequently accepted nominal qualifications. Colonel Ferrier's interest, like that of Cheap, was entirely compatible with the fulfilment of the duties expected of a nominal voter, for his own interest presumably was to secure employment in the British service, and the easiest

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way to succeed in that ambition was to support the Government with his vote.(1) Colonel Ferrier, moreover, had another connection with the Duntreath family, for his brother James Ferrier was Duntreath's lawyer. The voters were not explicitly tied to the interest of their author by the terms of a backbond, but they were tied to the extent that their own personal interests were unlikely to clash with the wishes of Sir Archibald Edmondstone, and they consequently increased the political influence of their author and must be regarded as nominal even if they were good in law.

Sir Michael Bruce of Stenhouse had been connected with the Carron Inn group, but he had returned to his old loyalty to Sir Thomas Dundas and supported him at the election. Colonel Andrew Bruce, Sir Michael's eldest son, however, continued to support the Government party, and since he possessed a qualification of his own, attempted to secure enrolment. Unfortunately for the Colonel, however, the lands for which he claimed a vote, Balquatstone, Wester Balmitchill, and Bulliondale, did not appear in the Cess Books under these names, but were entered under the names of the vassals in possession of the property, and this provided sufficient justification for the rejection of the claim on the ground that the valuation of the lands was uncertain.(2)

The claim of James Erskine of Alva, Lord Alva in the Court of Session, was rejected on even more flimsy grounds. It seems that Sir Thomas Dundas's party had made a determined effort to keep Lord

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1. When the Scots Brigade was re-established in British service in 1793 Ilay Ferrier was appointed Lieutenant-Colonel Commandant of one of the battalions, which was reduced in 1796; appointed Lieutenant Governor of Dumbarton Castle in 1796.

2. Freeholders Minutes, 6 July 1790: SC67/59/4/339.

Alva from qualifying for enrolment, for he claimed that his charter had 'been most improperly withheld from him for the purpose of preventing him from voting at this election by a Gentleman now present in the interest of Sir Thomas Dundas'. (1) The judge got around this little difficulty by making up other titles based on a charter of 1757 in favour of his late father, Charles Erskine of Alva, Lord Justice Clerk, and a disposition in his favour of a portion of his father's lands made in 1758. But this unexpected development did not prevent the majority party from rejecting his claim

The last claimant to be rejected by the meeting was the rival candidate, Sir Alexander Campbell of Ardkinglas, who claimed to be qualified on his father's lands as apparent heir. But the estates of the late Sir James Campbell were in the hands of trustees, and this was the principal reason assigned by the Dundas party to justify the rejection of the claim, although once again the valuation was held to be uncertain. In fact, of course, the main defect in Sir Alexander's qualification was his candidature, for it would have required an absolutely unexceptionable title to have left Sir Thomas Dundas's party at a loss for an excuse to reject a rival candidate who was unfortunate enough not to be already a freeholder. (2)

In the circumstances the outcome of the election could be no surprise, Sir Thomas Dundas being re-elected by 28 votes to the 22

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1. Freeholders Minutes: SC67/59/4/344.

2. Freeholders Minutes: SC67/59/4/357-362.

given in favour of Sir Alexander Campbell.(1) Four of the freeholders present at the meeting refrained from voting for the representative, three on Sir Thomas's side and one of Sir Alexander's friends. Had all of the claimants at the meeting been enrolled the result would have been different, for with the addition of Sir Alexander Campbell's own vote, Sir Archibald Edmondstone's four voters, Colonel Andrew Bruce, and Lord Alva, Sir Alexander would have had a majority of one, assuming the abstentions to have remained the same. Accordingly Sir Alexander Campbell protested and tendered his services to the freeholders to represent them in Parliament, (2) and in due course submitted a petition to the House of Commons.

As Sir Thomas Dundas's success was in doubt, for the position might be reversed as a result of the deliberations of the Court of Session, which had been bombarded with actions arising from the 1790 election, the Michaelmas Head Court of 5th October 1790 was simply a continuation of the election meeting. Twenty-eight barons assembled at Stirling for the meeting, but Sir Thomas Dundas, who was present, retained command of the proceedings, the parties dividing twenty votes to eight on the basis of the voting at the election meeting.(3) On the question of the choice of a preses, Sir Alexander Campbell's friends did not trouble to move for one of their number, but instead attempted to divide the Dundas party by suggesting Robert Graham of Gartmore, an influential baron who had supported Sir Thomas Dundas, in opposition to Sir Thomas himself,

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1. Freeholders Minutes: SC67/59/4/363-4

2. Freeholders Minutes: SC67/59/4/366

3. Freeholders Minutes, 5 October 1790: SC67/59/5/1

and Gartmore was elected by eighteen votes to ten. This division had little significance, however, for thereafter it was Sir Thomas all the way. Three voters in Sir Alexander Campbell's interest, who owed their qualifications to the late Laird of Ardkinglas or the Duke of Argyle, were struck off the Roll,(1) and an objection made by Robert Belsches of Greenyards to the qualification of Colonel James Francis Erskine, a friend of Dundas, was dismissed.(2) The successful claimants at Michaelmas 1790 were all in the interest of Sir Thomas Dundas, and three of them were nominal voters.(3) The other successful claim was submitted by Charles Lockhart MacDonald of Largie, who held an office which disqualified him from voting in parliamentary elections, and it was thus in nobody's interest to oppose his enrolment since he could do them no harm. There was no possibility of MacDonald renouncing his office and voting in a contested election, for his circumstances made him dependent on the profits of his post.(4)

The two unsuccessful claimants, William Bruce and Peter Crawford Bruce, were younger sons of Sir Michael Bruce of Stenhouse who had supplied them with their qualifications, but they sided with their

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1. Colonel Adam Livingstone, George Shaw of Kersiebank, John Campbell.
2. Freeholders Minutes: SC67/59/5/2.
3. Laurence Dundas, Sir Thomas's eldest son; Sir William Augustus Cunynghame of Livingston, and his son David Cunynghame. The two Cunynghames had purchased their votes from Sir Thomas Dundas at his request, but all three claimants possessed heritable titles.
4. Charles Lockhart MacDonald to Sir Thomas Dundas, 4 May 1782: 'part of my little patrimony I had given to my father-in-law when he was straitn'd for money, but that & the other part I have more than lost, by being unfortunately an adventurer in the Douglas & Heron Bank & some other misfortunes. Under these circumstances & to stop all legal measures, I made a voluntary resignation in favor of trustees reserving only £160 a year to myself...'. Zetland ZMK/X/2 and Freeholders Minutes: SC67/59/5/22-6.

brother Colonel Andrew Bruce rather than their father's politics.

(1) In their case some difficulties were made with regard to the valuations, and on Sir Michael Bruce's instructions his lawyer, James Ferrier, withdrew the claims, Sir Michael perhaps being glad of an excuse to avoid adding to the number of Sir Thomas Dundas's opponents while avoiding an open quarrel with his sons.(2)

Thus by the end of the year 1790 Sir Thomas Dundas had added another three votes to his party and seemed to be out of danger, but in December 1790 and in the spring of 1791 the Court of Session in a series of unfavourable decisions placed his return once more in doubt. On the 14th December 1790 the Lords of Session ordered Sir Alexander Campbell of Ardkinglas to be put into the Roll of the Freeholders, and followed this by ordering the enrolment of four of Ardkinglas's friends, Colonel Adam Livingstone of Bantaskine, Colonel Andrew Bruce, younger of Stenhouse, James Erskine of Alva, and John Campbell, counsellor at law in London, and the removal of three of Sir Thomas Dundas's friends, Laurence Dundas, younger of Kerse, Colonel James Francis Erskine, and William Morehead, younger of Herbertshire. Clearly, after these decisions, Sir Thomas Dundas would be in difficulties should he be called upon to face another election. Such a development was not improbable, for in the opinion of Sir Thomas's friends the Court's decisions had been politically inspired. According to Henry Erskine:

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1. 'Sir Michael Bruce of Stenhouse. Very old (eighty) and infirm; and his sons are against Sir Thomas. He will vote for Sir Thomas if he comes'. Political State of Scotland, p.329.
2. Freeholders Minutes, 5 October 1790: SC67/59/5/26-30.

'the Court of Session....had never much decency, but in the Stirling cause they have thrown aside all shame.....as long as the House of Commons permit them to have any jurisdiction in Election cases, so long must we expect to be under the guidance of every Minister. Instill this into your friend who is so warm an advocate for emancipation of Negroes, let him be as keen to free his fellow subjects in N. Br(tain)....'.(1)

Sir Thomas Dundas's return was not overturned by the House of Commons, however, and he escaped the uncertainties of another closely fought election, for the opposition faded in face of Sir Thomas's nominee in the Committee of Elections, Charles James Fox.(2) Sir Thomas Dundas never fought another election, for he joined the Government with the Duke of Portland in 1794, when he was rewarded with a peerage, but the evidence strongly suggests that he would have had difficulty in carrying another election had he again contested Stirlingshire. Sir Thomas Dundas had been hard pressed to hold his own in 1790, and his situation can not have been improved by his lukewarm support of the burgh reform cause, which was an object very close to the hearts of a number of Stirlingshire gentlemen.(3) On the other hand, there was a general falling away of support for political reform during the year 1792, as the upper classes became

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1. Henry Erskine to Sir Thomas Dundas, 16 February 1791: ZNK/X/2.
2. Colonel James Francis Erskine to Sir Thomas Dundas, 1 March 1792: Zetland. ZNK/X/2
3. Archibald Fletcher to Robert Graham of Gartmore, 26 April 1792: 'I am sorry Sir Thos. Dundas after having engaged to second Mr. Sheridan's motion allowed particular business to detain him from the House. He had pledged himself in strong terms not only to you but in face of Convention, we had therefore reason to expect his open and avowed support.....'.
Cunninghame Graham. GD22/1/315.

alarmed by the activities of the radical reformers, and too close an association with the reform cause would probably have cost Sir Thomas Dundas the support of some of the country gentlemen who prided themselves on their independence of Government but who were in no way advocates of democracy. Sir Thomas Dundas inherited the position which he occupied in Stirlingshire politics, and political life never seems to have had much appeal for him. The maintenance of a political interest required a much greater effort than Sir Thomas Dundas was prepared to make, and he could not have retained his position in the county for as long as he did without the active assistance of a number of influential friends. Possibly Sir Thomas would have had difficulty in carrying these friends with him into support of the Government, and it was probably wiser to drop out of Stirlingshire politics, as Lord Dundas then did, rather than to set up one of his sons as a candidate. The vacancy caused by Sir Thomas Dundas's elevation to the peerage was filled by Robert Graham of Gartmore, who was elected unanimously on the 10th November 1794 by a sparse meeting of only twenty-one freeholders, and represented the county until the Parliament was dissolved in 1796. (1)

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1. Freeholders Minutes, 10 November 1794: SC67/59/5/211.

Chapter Seven.

County Politics, 1796 to 1812.

(1) The Election of 1796.

Robert Graham of Gartmore, the baron who had been chosen to fill the vacancy occasioned by the grant of a peerage to Sir Thomas Dundas, was one of the leading figures in the movement for political reform of the Scottish burghs. Gartmore, as president of the Convention for the Reform of the Burghs, took his politics so seriously that he advertised them to the world at large by having the side pannels of his coach emblazoned with the words, 'For Right and Reason'.⁽¹⁾ By 1794, however, it was hardly a political asset to be a reformer, and Gartmore certainly owed his election to the interest of Sir Thomas Dundas, and to the fact that it was not a General Election. The late member, Lord Dundas, with whom Gartmore had been associated in Stirlingshire politics, was a friend of the Duke of Portland, and had gone over with Burke and Portland to support of the Government in July 1794. Gartmore, on the other hand, was notoriously opposed to Governments, whether the office holders might be Whig or Tory, and he was unlikely to make an exception for a coalition. Gartmore must have realised that he had little chance of carrying another election in Stirlingshire without the support of some of the great interests in the county; his late ally, Lord Dundas, was now in the Government camp, and in addition had virtually withdrawn from

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1. Caledonian Mercury, July 1st, 1790.

active participation in Stirlingshire politics, and Gartmore had no other obvious ally. Lord Dundas might assist the Government with the votes of the English members of parliament whom he nominated, but he does not appear to have been able to bring himself to co-operate in Scotland with the arch-enemy of his family, Henry Dundas of Melville, and rather than find himself opposing Government he abstained from participation in Scottish politics, apart from the stewardry of Orkney and Shetland. Whatever the reason for his decision might be, Robert Graham of Gartmore did not offer his services at the General Election of 1796, although he presided at the meeting which chose his successor, Admiral Sir George Keith Elphinstone.

Admiral Elphinstone, (Lord Keith in the Irish peerage from 1797) was an unusual figure to be found among the Scottish politicians of this period. The Admiral was a younger son of the family of Elphinstone, which had a considerable interest in Stirlingshire and the neighbouring counties of Dumbarton and Lanark. Effective leadership of this interest was not in the hands of the Lord Elphinstone of the day, but was managed by Lord Keith's elder brother, William Elphinstone, a former commander of an East Indiaman who had risen to a position of great power at East India House.(1) Lord Keith and his brother must be classed among the enemies of the Administration, for the Admiral was a friend of the Prince of Wales and had an office in his Household,(2) but Keith nevertheless had little interest in

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1. Director of the East India Company 1786-9; 1791-4; 1796-9; 1811-1814; 1816-19; 1821-24; resigned April 1825. Chairman 1804, 1806, 1814; Deputy Chairman 1813. 'Alphabetical List of Directors of the East India Company', compiled by C.H. and D. Philips: Journal of the Royal Asiatic Society 1941.
2. Secretary, Chamberlain and Keeper of the Signet to the Great Steward of Scotland; Counsellor of State for Scotland and Cornwall.

political life, and took part in politics only because it was likely to help his naval career. He had no real interest either in opposing or supporting Government, for, as he informed Henry Dundas in 1804:

'I had made it an invariable rule since the year 1792 not to engage in any political career whilst employed on service, thinking it my duty to execute the commands of my superiors faithfully without entering into their motives....'(1)

On the other hand, if the Admiral had been left unemployed on half-pay, he would not have hesitated to criticise the conduct of the Government, which could only have silenced him by again giving him a command.

Lord Keith was abroad on active service when Parliament was dissolved in 1796, but his election was in the capable hands of his brother William Elphinstone, who, supported by the active assistance of the Duke of Montrose, easily overpowered all potential opposition. to secure a unanimous election on the 16th June 1796.(2) Henry Dundas had been kept informed of developments in Stirlingshire, but he may have had difficulty in finding an acceptable candidate who would have a chance of success; certainly no candidate appeared in the Government interest, although there is a possibility that a preliminary canvass was held.(3) Obviously there would have been no point in Henry Dundas deliberately antagonizing the Duke of Montrose unless his candidate was likely to succeed in carrying the election.

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1. Lord Keith to Lord Melville, 19 June 1804: Keith Papers, edited C.Lloyd, vol. 3, p. Navy Records Society.
2. Freeholders Minutes, 16th June 1796: SC67/59/5/275.
3. William Cadell of Banton to Henry Dundas, 2 November 1795: 'I received Mr. Gartshore's letter, and will with pleasure give your Friend in Stirlingshire every assistance in my power...' GD51/1/198/26/5.

Although the election of 1796 passed so peacefully, Lord Keith was not to escape unscathed from the more disagreeable aspects of political life. One of the freeholders of Stirlingshire who had supported Keith with his vote appears to have made a letter, which the new member of parliament had sent to thank him for his assistance, into a meal ticket to finance his travels in Europe. In 1800 Lord Keith was Commander-in-Chief of the British fleet in the Mediterranean, and he was consequently well-known in the countries bordering that sea where, as Keith informed his sister, his late supporter, Colonel Callander: 'has been passing for my relation showing my letter of thanks for the election giving bills on me to cheat people of their money.....what a creature it is'.(1) This was more than a temporary inconvenience, for seven months later Keith again reported the presence in his command area of 'Colonel C--d--r, my torment swindling where he goes as usual'.(2) Perhaps fortunately for his credit, Lord Keith's term as the representative of the county of Stirling was a fairly short one, for in 1801 he was created a peer of Great Britain in recognition of his services in the Egyptian Expedition. The ensuing by-election, however, saw a severe struggle in Stirlingshire between the party of Henry Dundas and the Elphinstone-Montrose group.

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1. Lord Keith to his sister, Mary, dated off Genoa, May 6th 1800. National Maritime Museum Kei 128: Transcript, original among the Bowood Papers.
2. Lord Keith to his sister, Mary, dated Malta, December 13th 1800. National Maritime Museum Kei 128.

(2) The Election of 1802.

The political struggle which began in November 1801 continued until July 1802. During this period there were two elections, the first, which took place on the 13th January 1802, was designed to provide a replacement for Lord Keith, and the second, which was held on the 19th July 1802, in consequence of the dissolution of Parliament.

The first action was taken by William Elphinstone in November 1801, when he informed Henry Dundas of Melville that a peerage of the United Kingdom was to be granted to Lord Keith, and that accordingly he 'proposed Captain Charles Elphinstone, next Brother to Lord Elphinstone, as a Candidate to succeed him', and asked for Dundas's support.⁽¹⁾ Henry Dundas was not a member of the Government at this time, he having resigned with Pitt in the spring of 1801, and relations between Dundas and the new Prime Minister, Henry Addington, were at best somewhat cool. But although Dundas was no longer a Minister he had no intention of allowing his political machine to atrophy for he, like most other politicians, could not think of the Addington Administration as permanent. Accordingly, Dundas did not appreciate

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1. William Elphinstone to Henry Dundas, 14 November 1801:

GD51/1/198/26/9 Charles Elphinstone, who as heir to the estate of Wigtown later took the name Fleming, was an officer of the Royal Navy; Commander 1774; Captain 1774; Colonel of Royal Marines 1812; Rear-Admiral 1813; C-in-C Gibraltar 1814; Vice-Admiral 1821; C-in-C Nore 1834-7; C-in-C Portsmouth 1839. According to the naval historian William Laird Clowes, Admiral Fleming's liberalism did not extend to the service, for he was a man 'whose name was a terror to every ship's company he commanded, and was cursed from stem to stern in the British Navy'. Quoted in 'The Royal Navy', vol.v, p.25. Other details John Marshal 'Royal Naval Biography, vol.1.

this initiative, for he had a candidate of his own for the county of Stirling in the person of one of his relations, Lieutenant-General Sir Robert Abercromby of Airthrey.(1) William Elphinstone, however, had prepared the ground before declaring his nephew's intention of coming forward to succeed Lord Keith, for almost as soon as he had received Elphinstone's communication Henry Dundas received a letter from the Duke of Montrose in favour of Captain Charles Elphinstone. (2) But although the Duke was undoubtedly influential, Henry Dundas was not the man to acquiesce in another's choice, for the essence of Dundas's political power was that the initiative came from him. The Duke of Montrose, therefore, was informed that in spite of:

'the disposition I have uniformly entertained of supporting your Interest in the County of Stirling.....if Sir Robt. Abercromby either now, or at any future period, offers his Services to the County of Stirling, Your Grace must perceive that there are many irresistable reasons why it would be impossible for me to give my Wishes or Support in favor of any other Candidate....'.(3)

Unfortunately for Dundas, as it turned out, Sir Robert was badly placed to be a candidate for Stirlingshire at that time, for he was already a member of parliament, representing Clackmannanshire. The county of Clackmannan was one of the six small Scottish counties which were only represented in alternate Parliaments, and Sir Robert Abercromby apparently wished to remain in Parliament without a break of six or seven years. But this was not a General Election, and since the current Parliament had been chosen in 1796 a dissolution

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1. Brother to the late General Sir Ralph Abercromby, who was killed in Egypt in 1801; Sir Ralph's son, George Abercromby of Tullibody, was married to a daughter of Henry Dundas.
2. Duke of Montrose to Henry Dundas, 17 November 1801:
GD51/1/198/26/9
3. Henry Dundas to the Duke of Montrose, 22 November 1801 (Copy)
GD51/1/198/26/9.

could not be long delayed. Accordingly Sir Robert Abercromby must have wondered whether the expense and trouble of vacating the Clackmannanshire seat by applying for the Chiltern Hundreds and contesting a by-election in Stirlingshire could be justified, for he would certainly have to face another contest at the General Election. Apparently Sir Robert's decision was that an immediate contest would not be worth while, for he advised the freeholders that he was not to oppose Captain Elphinstone at the by-election, but at the same time announced that he would offer his services to the county of Stirling at the General Election.(1) Canvassing, however, continued without interruption through and beyond the January by-election. As early as December 1801, although Sir Robert Abercromby was not a candidate at the by-election, it was reported by one of his opponents that he 'has already begun his Canvass, which I am sorry for, as I would have wished Charles had been at home to have seen the Gentlemen himself'.(2)

One of the most energetic campaigners for Sir Robert Abercromby was the Chairman of the East India Company, David Scott, who was a deadly rival of William Elphinstone in East India House politics, and according to Henry Dundas, Scott had some success.(3) The support of Scott was to be expected, but Henry Dundas could not have anticipated that his candidate would be hailed as the defender

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1. Address to the Freeholders, 27 November 1801: Melville MSS 1.
2. William Elphinstone to William C.C.Graham, 23 December 1801: GD22/1/322.
3. Correspondence of David Scott, edit. C.H.Philips, p.381
Henry Dundas to David Scott, 30 Dec.1801.

of the independence of the county against aristocratic dictation. There is reason to believe, however, that Sir Robert gained support from those who did not care for the prominent part taken by the Duke of Montrose in Captain Elphinstone's campaign. One of those who took that line of argument was the widow of the late Sir Laurence Dundas of Kerse, the resident representative of the family of Dundas of Kerse whose head, Lord Dundas, lived in England. Lady Dundas, in declaring her support for Sir Robert Abercromby, wrote to one of the freeholders who had formerly been closely associated with her son, and insisted that:

'feeling as I know you do for the dignety and independance of the County, you must I think disapprove of the attack now made upon it, in a certain quarter.....From my Sons situation he is not at liberty to write to you him self.....but it is his earnest wish, as well as mine that his old steady friends would give their vote and entrest to a worthy independent man....'.(1)

The worthy independent man of course was Sir Robert Abercromby, and in part at least, the support of Lord Dundas's name was given in gratitude for past support, for as Lady Dundas admitted, 'Sir Ralph Abercromby Brother to Sir Robert, always gave my Son his decided Support regardless of the concequences this Circumstance I own has much weight with me'.(1) The Duke of Montrose's active support, therefore, was not an unqualified asset for a parliamentary candidate. The Duke's influence, particularly in the west of the county, was indeed useful, but it could also be dangerous, for a good many gentlemen were disposed to resent anything which savoured of nomination by the county's greatest proprietor and superior, particularly when he was allied with an interest nominally led by another peer.

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1. Lady Dundas of Kerse to General Campbell of Boquhan, 8 January 1802; Saltoun 107.

Although there was only a single candidate at the by-election, the election meeting on the 13th January 1802 reflected the fact that there was a political campaign in progress. Both parties tried to strengthen their positions in preparation for the General Election, but on this occasion the Elphinstone-Montrose party carried everything before them. Twenty-one freeholders attended the meeting, and the voting figures show that the Abercromby party had not troubled to attend, presumably because they could not muster anything like a majority at that stage.(1) From the minutes it would appear that the only Abercromby supporter present was a lawyer named Harry Davidson who attended in order to object to claimants in the interest of Captain Charles Elphinstone.(2) In the absence of the Abercromby party 'the Hon. William Elphinstone was by a great majority elected Preses', (3) and the meeting proceeded to consider the merits of the four claims which had been lodged. One of these, the claim of James Bruce of Powfoulis as apparent heir of his deceased uncle and in possession of a genuine freehold estate, was settled without objection by either party, but the other three were involved in the political struggle.

Among the claimants was the prospective member of parliament, the Honourable Charles Elphinstone, Captain in the Royal Navy. Captain Elphinstone was then serving in the East Indies in command of the frigate *Diomedé* and was represented by his lawyer, Robert Hill, but by a curious oversight the Captain had not signed a mandate

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1. Freeholders Minutes; 13 January 1802: SC67/59/5/380-3

2. *ibid.* *passim*.

3. Freeholders Minutes: SC67/59/5/383.

authorizing Hill to act for him.(1) Moreover, there was some uncertainty about the valuation of the lands constituting the qualification, for the claim was founded upon the old extent of the lands of Easter Glenboig. Easter Glenboig was claimed to be a five merk land of old extent, and the requisite retour was produced to confirm the extent, but the retour valued the lands together with the heritable office of Coroner of the sheriffdom of Stirling, and there was some uncertainty what value, if any, had been allotted by the jury to the office when they determined the extent. Clearly the titles upon which Captain Elphinstone founded his claim were defective, but that was of little immediate importance since his friends were in complete control of the meeting, and he was put on the Roll with only Harry Davidson dissenting.

Robert Hill, the Captain's lawyer, was also enrolled over Harry Davidson's objections, for the lands of Wester Glenboig or Glenboig McEwan, which were also described as constituting a five merk land, but this time without an office to complicate the issue.(2) Then it was the turn of one of Sir Robert Abercromby's supporters, the Honourable George Abercromby of Tullibody, Sir Robert's nephew. George Abercromby's titles were good, for he claimed enrolment as the heir of his deceased father, General Sir Ralph Abercromby, who had stood on the Freeholders Roll for the five pound land of Barnshogle or Elairnshogle, in the parish of Killearn. This estate, like most of the old extent lands in Stirlingshire, had once

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1. Freeholders Minutes, 13 January 1802: SC67/59/5/384-5

2. Freeholders Minutes: SC67/59/5/386-7.

formed part of the dukedom of Lennox, and was clearly detailed in the Lennox retour of 1662. Since no real objection to Tullibody's enrolment was possible, one of Charles Elphinstone's friends, Peter Speirs of Culcreuch, took a chance and trumped up an objection. Upon the death of the former laird of Tullibody, Sir Ralph Abercromby, in Egypt, he had been given a posthumous reward in the form of a peerage for his widow. On this ground Peter Speirs objected that Tullibody, as the eldest son of a peeress, had no right to a vote. But the peerage, of course, was a peerage of the United Kingdom, and the restriction barring the eldest sons of peers from voting in Scottish elections applied only to the sons of peers of Scotland. Nevertheless, should a General Election take place before the Court of Session could pronounce on the case, this rejection of Tullibody's claim would deprive the Abercromby party of a vote which might be vital in a close contest.(1) In the circumstances there would have been little point in Harry Davidson opposing the election of Captain Charles Elphinstone, who was accordingly chosen by the unanimous vote of the meeting. (2)

In spite of the seeming setback at the by-election it was a jubilant Henry Dundas who reported the progress made in the campaign to his ally David Scott in January 1802, advising him that:

'Although the Duke of Montrose and Mr. Elphinstone by their pre-vote canvass had got several votes to which they had no title, I have now got every reason to think that Sir Robert Abercrombie will prevail....In reality by the candidate he has adopted the Duke of Montrose has ruined his interest in the county, and nothing can be

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1. Freeholders Minutes: SC67/59/5/391-4.

2. Freeholders Minutes: SC67/59/5/396.

'more clear than that the whole respect and strength of property in the county is now declared against him. I am sorry for the circumstances. I have a great regard for the Montrose family, but it is all his own fault....'.(1)

According to Henry Dundas's account the contest was virtually over, but his opponents were by no means ready to concede defeat. The Duke of Montrose was not intimidated by Dundas's opposition, and quickly thanked the freeholders who had supported Captain Elphinstone for: 'the zealous assistance which you have been pleased to give to the line of interest which has engaged my support in Stirlingshire'.(2) More importantly, the interest of Government was now given to Captain Elphinstone, and this was due in part to the Duke's stand.

The earliest indication that for the first time for many years the weight of Treasury influence would not be behind the candidate supported by Henry Dundas came in December 1801, when William Elphinstone assured one of the voters that although: 'Mr. Henry Dundas is soliciting the Freeholders....I can positively say it is without the concurrence of the present Ministers'.(3) In January 1802 this was made clear to Dundas himself, when the Prime Minister assured him that if it came to a contest the Government would support the candidate of the Duke of Montrose:

'I most earnestly and anxiously hope that the Opposition of Sir Robt. Abercromby will not be persisted in', wrote Addington, 'if it should, there can, as I conceive, be no alternative to Government. Their good Wishes and their Assistance must be given to the Candidate who is countenanced and supported by the Duke of Montrose....'.(4)

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1. Henry Dundas to David Scott, 20 January 1802: 'Correspondence of David Scott', edited C.H. Philips, vol.ii, p.382.
2. Duke of Montrose to William C.C.Graham, 21 January 1802:GD22/1/322.
3. William Elphinstone to William C.C.Graham, 23 December 1802: Cunningham Graham. GD22/1/322.
4. Henry Addington to Henry Dundas, 31 January 1802: Melville MSS 1.

Addington received the indignant reply that: 'nothing, I am bold to assert, but the grossest misrepresentation could have induced you to write such a letter.....If under those circumstances you chuse to proceed in the line of Conduct your Letter points at the consequences must rest with you not with me'.(1) Dundas still professed confidence in Sir Robert Abercromby's success, but this nevertheless was a serious setback, and the situation would have been even worse had Addington not been that rarity, a political puritan who disliked bribery. Although Henry Dundas made a bold reply, he must have known that he would lose support if it was to become known that he was at odds with the Government, and any doubts which he may have had on that score must have been resolved when he received a letter from David Scott in which the latter asked if he could not retreat with honour. Scott had been approached by Henry Addington, and in his reply Dundas was at pains to assure him that he was not to be regarded as opposing Addington:

'I cannot have the smallest doubt of Mr.Pitt's attachment and sincere friendship for me, neither have I any reason to doubt of the same sentiments in Mr.Addington. Perhaps I may think, in a Letter I have very recently received from him he shews he does not know me as well as I thought he had done.....All that Mr.Addington says to you is the result of hearing only one side of the Question....'.(2)

According to Henry Dundas, the Duke of Montrose had been treated with every consideration, having been afforded an opportunity to support the candidate of the Dundas interest. In spite of the fact that he had already declared his support for Captain Elphinstone, the Duke,

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1. Henry Dundas to Henry Addington, 5 February 1802 (Copy)
Melville Mss 1.

2. Henry Dundas to Mr.Scott, 6 February 1802 (Copy) GD51/1/198/26/7.

according to Dundas's reasoning, should have thrown him over and given his support to Sir Robert Abercromby. As an example of monumental arrogance, Henry Dundas's letter deserves to be quoted at length:

'I have but one word to say to you on the subject of the Stirlingshire Election. I am perfectly aware from what I now see, that if it comes to a Vote, be the result what it may, there is a death wound given to the Duke of Montrose's Interest, and I regret it from the bottom of my heart, and whoever looks at the Correspondence which passed between the Duke of Montrose and myself, or between His Grace & Sir Robt. Abercromby must perceive the very reverse to have been the sentiment uppermost in our Minds. He had full time for further explanation after he knew what must be my line if a Contest did take place.....He neither desired to see me, nor even replied to a very civil and candid Letter on my part, but took the magnificent line of walking over us till he found himself compleatly mistaken, and then complained of bad usage and called for the assistance of Government. The Duke, unfortunately for his Interest, has not yet learned the Secret, that in one independant Scotch County, every thing depends on the choice of a Candidate, and in that respect he never once has judged well.....All that Mr. Addington says to you is the result of hearing only one side of the Question. I don't really know if his Interference in the business would get a Vote to the Duke's Interest, I am not sure if it would not get two to the other side, if it is clearly ascertained that Government and I are at variance on the Subject.....'.(1)

Throughout the spring of 1802, both parties continued to make every effort to increase their support. There is no evidence that the support of Government brought any material assistance in the form of patronage to be distributed among Captain Elphinstone's friends. Probably the active support which Lord Keith gave his nephew was more useful than any Government assistance. In 1802 Lord Keith was Commander-in-Chief in the Mediterranean, having succeeded the Earl of St. Vincent in command of that fleet in 1799,

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1. Henry Dundas to Mr. Scott, 6 February 1802 (Copy)
Melville Castle. GD51/1/198/26/7.

and enjoyed immense influence through the very considerable powers of patronage attached to that appointment. Lord Keith's ships were always full of the friends and relations of Stirlingshire and Dunbartonshire gentlemen, and if they showed ability they could count on his favour. Consequently Lord Keith had already built up a considerable fund of good-will and gratitude upon which he did not hesitate to draw; 'I have written many letters for Charles', he told his sister.⁽¹⁾ Almost certainly it was the favour which the Admiral had shown to the Honourable George H.L. Dundas, a son of Lord Dundas, which prevented that family from taking an active part in the contest in spite of the personal wishes of Lady Dundas and her son. George Dundas had been one of the lieutenants of the Queen Charlotte, Lord Keith's flagship, when it was destroyed by fire in 1800. Dundas was at once appointed a lieutenant of the newly commissioned Guillaume Tell on April 11th, 1800, and on April 29th he became flag lieutenant in the Minotaur, Lord Keith's new flagship, and almost at once was transferred to the frigate Lutine as acting commander. The Lutine was too large a ship to be commanded by an officer below post rank and was obviously a temporary command, but on the 2nd November 1800 George Dundas was sent into the sloop Calpe as commander, and on the 17th August 1801 he was transferred to the newly commissioned San Antonio as acting captain. Although George Dundas's progress from junior lieutenant to post captain in a little over a year is by no means a record, it clearly establishes that he had the Admiral's

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1. Lord Keith to his sister Mary, dated at Gibraltar, 30 March 1802: Letters of the Hon. G.K. Elphinstone 1773-1820 (Copies, originals among the Bowood Papers) National Maritime Museum Kei 128.

favour, and it is reasonable to suppose that he and his family were grateful.(1)

The Elphinstone interest also had access to Indian patronage, for William Elphinstone led one of the parties in the East India House, and although David Scott and his friends were presently in the ascendant, William Elphinstone was strong enough to secure the office of Chairman for himself in 1804. Unquestionably Elphinstone would have had some patronage at his disposal in 1802, for he and his friends could claim a share of the available posts.

Unfortunately for the Elphinstone interest, however, a family quarrel between Captain Charles Elphinstone and his brother Lord Elphinstone appeared likely to have serious consequences for the Captain's political ambitions. In 1741 the last Earl of Wigtown had executed an entail of the earldom of Wigtown and the lordship of Cumbernauld, by which it was:

'inter alia provided that in case it shall happen any of the heirs of Taillie above mentioned other than the heirs male of his the said Earl's body or of the body of the said Mr. Charles Fleming to succeed to the title and dignity of Peerage, then and in that case and how soon the person so succeeding or having right to succeed to the said Estate shall also succeed or have right to succeed to the said title and Dignity of Peerage, they shall be bound and obliged to demude themselves of all right title and interest which may be competent to them of the said Estate, and the same shall from thenceforth ipso facto accrill and devolve on the next heir of Taillie for the time being sicklike as if the person so succeeding and bound to demude were naturally dead.....'.(2)

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1. 'List of Appointments and Removals of Commissioned Officers by the Right Honourable Lord Keith' and 'List of Acting Commissions Granted by the Right Honourable Lord Keith'. Both in a notebook, 'Appointments and Removals'. Keith Papers Kei/L/37.
2. Deed of entail quoted at length in Freeholders Minutes, 19 July 1802: SC67/59/5/405-422.

In due course the estate of Wigtown and Cumbernauld passed to the Earl's only daughter, Lady Clementina Fleming, who had married Charles, tenth Lord Elphinstone. Lady Clementina long survived her husband, and in 1788 she executed a new deed of entail in favour of her son John, eleventh Lord Elphinstone. But upon the death of the eleventh Lord Elphinstone, his eldest son John, twelfth Lord Elphinstone, was challenged for possession of the estate of Wigtown by his immediate younger brother Captain Charles Elphinstone, the candidate for Stirlingshire. Captain Elphinstone now took the name Fleming, and on the 30th June 1802 he obtained a decree of reduction against Lord Elphinstone in view of the Wigtown entail. Consequently the two brothers were not on the best of terms during the election campaign, and Lord Elphinstone showed little desire to forward his brother's parliamentary ambitions regardless of the long-term consequences for the family interest.(1)

The fact that none of the leading members of the Elphinstone interest were in Stirlingshire during the spring of 1802 can only have harmed their cause. Lord Elphinstone was indifferent, Lord Keith and Captain Charles Elphinstone were at sea, while William Elphinstone was fully occupied with Indian politics in preparation for the election of new directors in April. Nevertheless, the Elphinstone's ally, the Duke of Montrose, was still optimistic, informing one of his friends 'that without something very unexpected Stirlingshire is clearly in Mr.C. Elphinstones favour, without being nearly run'.(2)

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1. Lord Keith to his sister Mary, dated at Gibraltar, April 3rd 1802: Kei 128.
2. Duke of Montrose to William C.C. Graham, 15 February 1802: Cunningham Graham. GD22/1/322.

The Duke of Montrose was writing from London, however, and it is unlikely that he was fully informed of the state of opinion in the county. It is certainly true that most freeholders expected a personal approach from the candidate or from one of his relations or patrons, letters alone were not enough. The absence of Captain Elphinstone was the greatest obstacle to his success, for Sir Robert Abercromby undertook his own canvass. Lord Keith accordingly took steps to obtain leave for Captain Elphinstone to come to Scotland. 'I wrote Lord St.Vincent to get Charles home as soon as possible', he told his sister,⁽¹⁾ but under war conditions this was not an easy favour to grant and in fact Captain Elphinstone was unable to reach Stirlingshire in time to take any part in the campaign. But the absence of their candidate was not to be the last of the troubles to face the Elphinstone-Montrose party.

During the spring of 1802 the Court of Session inevitably determined that the Honourable George Abercromby of Tullibody had been wrongfully excluded from the Freeholders Roll, and ordered that his name should be added to the Roll forthwith. A much more important question remained undecided, however, for Mr. Harry Davidson had brought the matter of Captain Charles Elphinstone's enrolment before the Court of Session. Obviously it would be highly undesirable from the Elphinstone point of view to have the member of parliament struck off the Roll before the General Election, but in spite of their resistance, the Court, on May 26th 1802, issued

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1. Lord Keith to his sister Mary, dated at Gibraltar, 22 April 1802: (Copy) National Maritime Museum Kei 128.

a decree ordering the Sheriff-Clerk to strike his name from the Roll, on the ground that no mandate had been produced to authorise an agent to act for him either at the election meeting in January or in the Court of Session.(1) But although the decree was obtained it was not presented to the Sheriff-Clerk until the very morning of the election on the 19th July 1802, presumably in order to obtain the maximum reaction from the freeholders. Sir Robert Abercromby's address to the freeholders of Stirlingshire shows what he hoped that reaction would be:

'Gentlemen, The Hon. Captain Charles Elphinstone having been ordered to be expunged from the roll of the County, by a final decision of the Court of Session, and it being generally understood that he is not returned from India, I trust I shall not be deemed presumptuous in now entertaining the hope of receiving the general support of the Freeholders.....'.(2)

But if Sir Robert hoped to be elected by default he was mistaken; an immediate answer was made by William Elphinstone, who had come to Scotland to conduct the last canvass in the absence of his nephew. Elphinstone's answer was short and to the point:

'An Advertisement having appeared in the Edinburgh Newspapers, signed by Sir Robert Abercromby, stating, that Captain Elphinstone is not eligible, and hoping for your unanimous support at the ensuing Election. I beg leave to assure you, that Sir Robert is very much mistaken; and, therefore, most earnestly request the honour of your attendance at Stirling....'.(3)

Two days later William Elphinstone was able to report Captain Charles Elphinstone's return from India, but as the Captain only reached London on the 12th July, and the election was due to take place on the 19th, he was unable to take an active part in the campaign, which

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1. Freeholders Minutes, dated at Stirling 19th July 1802 Between 7 and 8 o'clock morning. The Sheriff-Clerk notes that the decree has been produced and that Captain Elphinstone has been struck off the Roll. SC67/59/5/398.
2. Caledonian Mercury, 12th July 1802.
3. Caledonian Mercury, 15th July 1802.

was managed throughout by William Elphinstone.(1)

When William McKillop, the Sheriff-Clerk of Stirlingshire, called the Roll at the election meeting on the 19th July, 62 freeholders answered their names; there were two notable absentees, however, Sir Robert Abercromby and Captain Charles Elphinstone. The Captain, of course, had no right to be marked in the sederunt, since he had been struck off the Roll that morning by order of the Court of Session, but Sir Robert Abercromby's absence has no such obvious explanation. Perhaps he was convinced that he could not carry the election and did not relish the experience of being present at his own defeat; on the other hand it is possible that he was kept away by illness, for on the 10th July he expressed regret that he had been unable to pay his respects to all of the freeholders, 'owing to indisposition'.(1) But if ill-health was the explanation, it would have to be a fairly serious indisposition to prevent him from covering the short distance between his seat at Airthrey Castle and the town of Stirling at the height of summer. In the past ordinary freeholders had expressed their willingness to be carried to the election in a bed in order to be present and vote at a contested election.

Had the parties been closely matched, the loss of the casting vote which was accorded to the last elected representative of the county might have carried the vital first question in favour of Sir

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1. Caledonian Mercury, 12th July 1802.

Robert Abercromby, but in the event Captain Elphinstone's vote was not needed. Thirty-six freeholders voted for John Francis Erskine of Mar, the candidate of the Elphinstone party for the office of preses, while only twenty-six supported Governor James Bruce of Stirling Castle, the candidate of the Abercromby party.(1) A majority of ten votes on the first question would seem, on the face of it, to make further opposition to Charles Elphinstone's election pointless, for it was unlikely that sufficient objections could be made good in the Court of Session to destroy such a lead. However, Henry Dundas and his eldest son Robert Dundas were present as freeholders of the county, and a politician of Dundas's experience was not to be easily discouraged. Accordingly the Abercromby party continued to fight. Henry Dundas and his friends knew that they could not hope to win this election at Stirling, and no attempt was made to object to the votes of any of the freeholders in the Elphinstone-Montrose interest, but they were encouraged to continue the contest by the uncertain position of Charles Elphinstone.

Obviously, in the circumstances, Charles Elphinstone could not be kept out of the Roll, but if an objection to his right was later sustained by the Court of Session, as had happened after the January election, there would have to be another election when Sir Robert Abercromby might be better placed to secure a majority of the freeholders. Accordingly, when Charles Elphinstone claimed enrolment, two lawyer members of the Abercromby party, George Abercromby of Tullibody and Harry Davidson, stated their objections at great

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1. Freeholders Minutes, 19th July 1802: SC67/59/5/402-5.

length, not because they expected the majority of the freeholders to accept their arguments, but to prepare the ground for a subsequent action in the Court of Session and a petition to the House of Commons.

Charles Elphinstone had been enrolled for the lands of Easter Glenboig, which were claimed to constitute a five merk land of old extent, and although his name subsequently had been struck off the Roll by decree of the Court of Session, this decision was based solely on the ground that no mandate had been produced to authorise an agent to act on his behalf. Captain Elphinstone again claimed enrolment for these lands, and his rival's agents repeated the objection which they had made in January, namely that the lands of Easter Glenboig were valued jointly with the heritable office of Coroner of the Sheriffdom of Stirling, so that the lands alone were possibly not of the requisite extent to afford a qualification. There was indeed some uncertainty regarding this qualification, and the Abercromby party's doubts appear to have been shared by Captain Elphinstone, for he now submitted an alternative claim as being in possession of certain lands in the lordship of Gumbernauld, part of the entailed estate of Wigtown. Charles Elphinstone's position with regard to this estate has already been explained; his title was in question, for his elder brother Lord Elphinstone considered the earldom of Wigtown to be his property, and it was argued for the Abercromby party that in the absence of a final decision by the Court of Session on the Wigtown entail Captain Elphinstone could not claim to be in possession of the estate. Thus, although Charles

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Elphinstone produced two sets of documents to instruct his right to be put into the Roll of Freeholders, neither claim was absolutely clear, and the Abercromby party had some reason to hope for a favourable decision in the Court of Session.(1)

Captain Elphinstone's claim was the only one to be opposed, the remaining four claimants being enrolled without trouble. Two of the claimants, Gabriel Forrester of Craigannet, the Lieutenant of Stirling Castle, and John Cunninghame of Balgounie, were in the interest of Sir Robert Abercromby; the others, Captain James Oswald of the Royal Navy, who obtained his vote from the Duke of Montrose, and David Russell of Woodside, were supporters of Elphinstone, so that the balance of power was in no way altered.

Having concluded the enrolments, the meeting proceeded to the election of a member of parliament, and the two candidates were proposed and seconded, whereupon George Abercromby gave in a written protest which was entered in the minutes:

'I, the Hon. George Abercromby, hereby protest that the Hon. Charles Elphinstone has no legal title to stand upon the Roll.....and that his enrollment is contrary to Law. And that I further protest that the said Captain Charles Elphinstone is by law incapable to be elected to represent this County in Parliament and that all the votes which shall be given in his favour are null and void and shall be considered as thrown away as having been given in favour of a person who is by Law ineligible.....'.(2)

But in spite of Abercromby's protest Charles Elphinstone was elected by a majority of twelve votes, 38 freeholders voting in his favour

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1. Freeholders Minutes, 19th July 1802: SC67/59/5/405-422.

2. Freeholders Minutes: SC67/59/5/435.

against 26 who supported Sir Robert Abercromby. One freeholder, Archibald Speirs of Elderslie, who had voted for John Francis Erskine of Mar, the Elphinstone party's candidate for preses, did not vote for the member of parliament. Two other freeholders who are known to have been present as they are marked in the sederunt, Archibald Stirling of Garden and William Ferguson of Raith, took no part in the election. Stirling of Garden is known to have been a supporter of Sir Robert Abercromby but nothing is known of the other so there is no reason to think that they may have agreed to pair. In all probability friendship with members of both parties kept them from taking a stand when their votes plainly could make no difference to the result.(1)

On the basis of information contained in an interesting document prepared for the Abercromby party, it can be shown that there is much to criticize in their management of the contest. (2) It shows that the two parties in Stirlingshire were much more evenly balanced than could be supposed from the voting at the election, for it credits Captain Elphinstone with the support of 40 of the freeholders, and Sir Robert Abercromby with 39, hence the expensive effort in the spring to obtain a decree of the Court of Session against Captain Elphinstone's enrolment in January; with numbers so close this might have decided the contest. However, of the 40 listed members of the Elphinstone party, 39 attended the election meeting

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1. Freeholders Minutes, 19th July 1802: SC67/59/5/435-8.
2. 'A State or View of the Roll of Freeholders of the County of Stirling on the 19th of July 1802, the day of election'.
Melville Castle. GD51/1/198/26/11.

if new enrolments are counted, but only 27 of Sir Robert Abercromby of Airthrey's party appeared. Charles Elphinstone's majority, therefore, was created by the absence of almost one-third of his rival's party, which would seem to infer a certain slackness in canvassing on the part of Sir Robert Abercromby and Henry Dundas. The document from which this information is drawn was not produced until after the election on the 19th July, so the absence of the Abercromby supporters cannot be attributed to the intervention of Government, they are still listed as supporters, but absent.

As the Abercromby party pinned their hopes on the Court of Session ordering Charles Elphinstone to be struck off the Roll, they looked closely at the strength of the two interests, and decided that in the event of another election they would have a majority of one vote. Two other Elphinstone supporters besides the Captain were supposed to have bad votes, and if these could be removed from the Roll the total of the Elphinstone party would be reduced to 37. As only one of the Abercromby votes was bad this meant that if they could get a full muster they would have 38 votes, a majority of one. But, as in most attempts at political prophecy, there was a certain amount of wishful thinking in this, for leaving out of account the difficulties involved in reducing the number of the Elphinstone party, the two parties did not include all of the freeholders of Stirlingshire, and the votes of the four undeclared freeholders could carry an election either way.

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If the struggle degenerated into an all-out attempt by the two parties to pack the Roll with nominal voters, the Abercromby party considered that the advantage lay with them. The valuations of the freeholders present at the election in July who had supported Sir Robert Abercromby totalled £16,969, while the total valuation of the Elphinstone party present at the election was only £14,293; but if the valuations of the absentees are added to both parties totals, the Abercromby party would have an excess of £13,284 over the valuation of the freeholders of the Elphinstone party. Here again there was wishful thinking, for simply adding valuations gives a very imperfect indication of political possibilities in a county. The figures seem to show the Abercromby party in an unassailable position, with more than £13,000 of valuation to employ in making votes beyond all that could be manufactured by their rivals, for even if the two leading peers in the county were to split their superiorities in the Elphinstone interest, the Abercromby party could not be overtaken.(1) Such calculations, however, are somewhat unreal, for they leave out of consideration several important points. In the first place there was the resentment invariably aroused by any attempt to pack the Roll in this county, which might lose votes to the party which initiated the large scale manufacture of nominal votes. Secondly, many freeholders might be reluctant to part with their surplus valuation in order to make new votes and, thirdly, this calculation ignores the very considerable number of votes on

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1. Duke of Montrose's valuation , £5924 Scots.
 Lord Dundas's valuation, £4345 Scots.
 Melville Castle. GD51/1/198/26/11

the old extent which the Duke of Montrose in particular could make. Taken together these considerations turn the calculation of the valuations of the respective parties into an exercise to console the losers with the thought that after all they were the 'real substantial interest' of Stirlingshire, whereas no less than fifteen of the Elphinstone party were qualified upon the old extent of their lands. But the fact remains that this is irrelevant, for a vote upon the old extent was just as good as one founded on the valued rent.

In the event the struggle went no further. The hope that Charles Elphinstone might be ordered to be expunged from the Freeholders Roll proved vain, for he and his brother Lord Elphinstone sensibly composed their quarrel and the Captain was left in nominal possession of the Wigtown estate, and thereafter consistently used the name Fleming. Consequently his vote on part of his lordship of Cumbernauld was good, and there could be no new election.

Like his uncle Lord Keith, Captain Charles Fleming was an absentee who took little personal part in politics either in the county or in the House of Commons. He represented Stirlingshire from 1802 to 1812, and during this period he was regularly employed at sea. Soon after his first election, Captain Fleming took command of the frigate Egyptienne, which was employed cruising off the French coast; in 1806 he was appointed captain of the Revenge, a ship of the line, and in 1807 transferred to the Bulwark, also a line of battle ship of 74 guns. Captain Fleming's command of the Bulwark

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does not appear to have been a happy one, for according to his commander-in-chief, Lord Collingwood: 'I never saw a ship that appeared to me to be so irregular.....I could very well dispense with the duty of that ship'.(1) 'I believe wherever she is there will be trouble.....I should be glad she was in England'.(2) Lord Collingwood seems to have got his wish, but Captain Fleming did not come ashore, for in the spring of 1811 he was appointed captain of the Standard, a 64 gun ship, and in the election of the following year he ceased to be the representative of Stirlingshire.

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1. Details of Captain Fleming from: John Marshall 'Royal Naval Biography', vol.1, pp.577-8.
 Lord Collingwood to Rear-Admiral Purvis, dated on board the Ville de Paris, off Toulon, 28 May 1809. Correspondence of Lord Collingwood, edited Edward Hughes, p.279 Navy Records Society.
2. Lord Collingwood to Rear-Admiral Purvis, Ville de Paris, off Toulon, 22 July 1809: Correspondence of Lord Collingwood, edited Edward Hughes, p.288

(3) The Election of 1812.

The alliance between the Duke of Montrose and the Elphinstones did not prove permanent. The confused politics of the period combined with the complicated political arrangements in the neighbouring county of Dumbarton provided a strong motive for union, but it was events in Dunbartonshire which in fact appear to have precipitated the break. In that county there were four distinct parties, that of the Duke of Argyle which in 1806 could muster thirteen votes, the party of the Duke of Montrose with eleven votes, the Elphinstones with three votes, and William Cunningham Graham of Gartmore with three votes.(1) The two major interests, as was to be expected, were political rivals, but neither party could carry the county without forming an alliance with another group. This was the situation in 1806 when three candidates started for Dunbartonshire, Charles Edmondstone, who had the support of the Duke of Argyle, Henry Glassford of Dougalston, who was the candidate favoured by the Duke of Montrose, and William Cunningham Graham, who stood as an independent. After some complicated manoeuvres which are of no immediate concern to a study of the politics of Stirlingshire, Charles Edmondstone deserted his former patron, the Duke of Argyle, and joined the Duke of Montrose, who in turn abandoned Henry Glassford as unlikely to be able to carry the election.(2) This was a real revolution, for the Edmondstones of Duntreath had for many years been regarded as friends of the Duke of Argyle to whom they were

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1. List marked 'Dunbarton Politicks': Cunningham Graham GD22/1/576.
2. Copy of a letter from Gartmore to the Duke of Montrose, 18 November 1806: Cunningham Graham. GD22/1/576.

related. The importance of the new alliance for Stirlingshire politics was that the Edmondstones of Duntreath were among the leading family interests in that county, with five votes already on the Roll and the ability to make many more.

At first the Duke of Montrose was cautious. Charles Fleming was re-elected on the 17th November 1806 and the 1st June 1807 without opposition. With the fall of the Ministry of the Talents, Lord Melville's friends returned to power, but although the Duke of Montrose had become reconciled to Melville and both had served in Pitt's last Administration, the Duke declined to intervene in Stirlingshire in 1807:

'You think I am mistaken in Stirlingshire as to the influence of the Elphinstones', wrote the Duke, '& it is very possible; but the remains of Lord Dundas's interest, together with the influence of the Elphinstones, & the Squadrone volante in the eastern part of the County, are I conceive of greater strength than is imagined by those who have informed you.....'.(1)

The Duke knew that he could expect to be opposed by many of the freeholders of eastern Stirlingshire, who disliked aristocratic influence in their politics, while the existing understanding with the Elphinstones brought definite political advantages:

'The connexion between our Familiesis evidently advantageous to us both, & I doubt whether it can be considered as disadvantageous to the fair power of His Majesty's Ministers, even when we disagree in general Politics; did we agree all interests would be satisfied & promoted.....'.(1)

Undoubtedly Montrose was correct in his interpretation of the political situation, for if the presence in Parliament of Captain Fleming

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1. Duke of Montrose to Viscount Melville, 28 May 1807:
Melville Castle. GD51/1/198/8/5.

did not help the Government, neither did it harm the Administration, for Captain Fleming was employed at sea. In return a genuine Ministerialist was chosen for Dunbartonshire without opposition. But if the Duke of Montrose was happy with the existing state of affairs, Lord Melville was not, and in 1809 Archibald Colquhoun of Killermont, the Lord Advocate, acting on Melville's instructions, carried out a survey of the Stirlingshire Roll. In a mood of excessive optimism, the Advocate declared that 'the Elphinstones & Lord Dundas could not last week have mustered 12 strong'.(1)

In November 1810 the King again became insane, necessitating a new Regency Act which, like Pitt's Act, severely restricted the Prince-Regent's powers for a year; but this time only the most optimistic Tories really expected the King to recover within a year, and the general opinion was that the Ministry headed by Spencer Perceval did not have many months to last, for the fact that the Regent would find more in common with his old enemies than with his Carlton House friends could hardly be foreseen. Accordingly, as the King's death seemed very likely in the winter of 1810-11, the Whigs prepared for a general election in a confident mood.

In the counties of Dunbarton and Stirling the opposition moved quickly, and as Lord Keith informed one of the Dunbartonshire gentlemen, David Cathcart: 'we are preparing for a contest in both Counties. Lord Dundas with us & I hope the Abercrombies. Also the Duke of Argyle'.(2) In January 1811, Lord Elphinstone asked one of

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1. Archibald Colquhoun to Lord Melville, 8 June 1809: Melville 1053.

2. Quoted in a letter from David Cathcart to Peter Spiers, 19 January 1811. Cunningham Graham. GD22/1/327.

the freeholders to supply him with a list of the freeholders who would support his brother, Captain Fleming, and those who would vote against him.(1) This preliminary survey took a very favourable view of Captain Fleming's chances of securing re-election, giving him 41 votes against 26 for his likely opponent, Sir Charles Edmondstone of Duntreath; in addition there were sixteen freeholders marked as uncertain, one was a prisoner of war and could not be expected to attend, and the remainder were either disqualified or dead.(2) But if Captain Fleming was ever in such a commanding position he did not retain it throughout a prolonged election campaign which was to last for twenty-two months. Active canvassing was begun by the Elphinstone party in February 1811,(3) and in the same month the challenge was taken up by Sir Charles Edmondstone and the Duke of Montrose.(4)

The early start was not to the liking of Sir Charles Edmondstone, who seems to have been temporarily in some financial difficulty, but any delay in commencing his canvass when Captain Fleming was in the field would have been fatal to his ambitions, for once voters were committed to support a candidate they were reluctant to go back on their word.(5) In one respect the Ministerial candidate, Sir Charles

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1. Lord Elphinstone to Peter Spiers of Culcreuch, 23 January 1811: Cumminghame Graham. GD22/1/327.
2. Marked Freeholders Roll as at 2nd October 1810: GD22/1/327.
3. Lord Keith to Peter Spiers, 23 February 1811: GD22/1/327.
4. Duke of Montrose to Lord Melville, 25 February 1811: Melville Castle. GD51/1/198/26/14.
5. Duke of Montrose to Lord Melville, 17 April 1811: 'he has difficulties from the state of his circumstances, which I hope he will be able to get over soon...'. GD51/1/198/26/25.

Edmondstone, had an advantage over his rival, for he could establish, if he chose to do so, a personal interest in Stirlingshire which a serving naval officer could not hope to emulate in time of war. Early in the campaign Lord Melville urged the Duke of Montrose to impress upon Sir Charles the necessity not only of a personal canvass, but of taking up residence in Stirlingshire for several months each year.(1) The personal influence which a resident candidate could exert might even gain him votes in the eastern quarter of the county, in spite of the gentlemen of that district's dislike of the influence of the Duke of Montrose.(1) During a preliminary canvass the friends of the Government candidate appear to have resorted to rather sly tactics, designed to spread despondency in the Whig ranks and persuade them to abstain,(2) but it was early days yet, and at the conclusion of the first round of canvassing it was apparent that many freeholders were not prepared to promise their votes so far in advance of an election.

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1. Duke of Montrose to Lord Melville, 13 March 1811: 'Your observation.....relating to personal canvass, I have ever urged to Sir Charles from the beginning, even to the fear of over doing it, & likewise the necessity of his taking a place in Stirlingshire to live at, some months in the year, to overlook his estates & to cultivate the society of the Gentlemen of the County, particularly in the eastern quarter of the County, where personal influence may greatly extend his support....'. GD51/1/198/26/18.
2. H.M.Buchanan to William Cunninghame Graham, 19 March 1811: 'I believe you don't much approve of either of these candidates, and as Sir Charles will have a very great majority (I think 25 at least) & as you cannot serve your party by voting perhaps you will stay at home, no one doubts your good wishes for your party...'. (Graham was a well-known Opposition supporter, and the writer voted for Sir Charles Edmondstone) GD22/1/320.

Among the Melville Castle muniments there is a detailed state of the Stirlingshire Roll completed at the end of the first round of electioneering.⁽¹⁾ This account does not take an excessively favourable view of the Ministerial candidate's chances of success and can be considered a reasonably accurate account of the political situation in the county at the end of March 1811. The last official list of the county freeholders had been drawn up at the Michaelmas Head Court of 1810, when the Roll contained 93 names, but by the spring of 1811 several changes could be made. For electoral purposes nine freeholders could be deducted from the total, four of them having disposed of their lands, two being fiars enrolled with the life-renters, one never voted, and two were disqualified by holding posts in the Customs administration. But nine new claimants were ready to come onto the Roll at the next election or head court, so the total number of freeholders who could conceivably take part in an election was still 93. Only about two-thirds of these potential voters had declared for one of the candidates by March 1811, 35 for Sir Charles Edmondstone and 25 for Captain Charles Fleming, so the election was still completely open. Although the Ministerial party counted fourteen of the undeclared 33 as 'hopeful' they were in no way committed to the Government candidate and might just as easily vote for Captain Fleming.

A second breakdown of the Freeholders Roll, dated some three weeks after the last, appears to show that Sir Charles had increased

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1. 'Abstract of the Roll and Claimants distinguishing their different situations so far as known to or can be conjectured by James Davidson, 25 March 1811'. GD51/1/198/26/20.

his lead.(1) Including claimants not yet enrolled, the state of the parties was believed to be 55 for Sir Charles Edmondstone and 32 for Captain Fleming, with six freeholders who would not vote and only seven still uncertain. Of the 'undecided' category in the first list, ten were now assigned to Sir Charles and four to Captain Fleming, while nine of the 'hopeful' list were now stated to be in Sir Charles's list against two who had joined his opponent. This second state is far too favourable to Sir Charles Edmondstone to be considered accurate; undoubtedly the compilers had fallen into the common error of taking too favourable a view of their own party's chances, and stating as fact that for which they really hoped. The list was prepared by two men who were too close to the action to be impartial in their judgment, Sir Charles Edmondstone and the Duke of Montrose, (2) and a paper commenting on the second list which the Lord Advocate sent to Lord Melville showed that he at least was more cautious.(3) According to the Lord Advocate, Archibald Colquhoun of Killermont, who as a freeholder and a resident of the district was familiar with the Stirlingshire Roll, nine of the freeholders listed for Sir Charles Edmondstone were uncertain, 'besides there are several in the List for Sir Charles who are abroad and cannot be at the Election'. Thus, it would appear that there was some question whether Sir Charles had increased his lead over Captain Fleming at all, and certainly it was nowhere near the 23 votes which he and the Duke claimed.

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1. 'State of the Stirlingshire Roll 17th April 1811'. Melville MSS 1.
2. Henry Glassford to Viscount Melville, 26 April 1811:
Melville Castle. GD51/1/198/26/26.
3. 'Observations by Ld A. 24th April 1811'. GD51/1/198/26/27.

During his canvass Sir Charles Edmondstone claimed to have visited 'every Freeholder upon the Roll with the exception of those who are out of the Kingdom. The result of my canvass I apprehend to be very favorable'. (1) But the second list mentioned above was only completed after Sir Charles had returned to London, and it was made without consulting the two men best able to advise him, Lord Melville and the Lord Advocate. (2) It is indeed possible that Sir Charles deliberately avoided Melville and Archibald Colquhoun while he was in Scotland, for he persistently refused to take their advice, and in particular declined to take up residence in Stirlingshire. Immediately Sir Charles completed his canvass he set off for London, and although the gentlemen of Stirlingshire might be prepared to make allowances for an officer of the navy who was rarely seen in the county, they could hardly help regarding Sir Charles Edmondstone, in spite of his extensive estates, as something of a carpet-bagger. According to the Lord Advocate, 'it will be of most essential importance he should keep residence in Stirlingshire by taking a house there & rather as one of the Dumbartonshire Freeholders called him to his face at an Election an Alien'. (3) Even Sir Charles's ally, the Duke of Montrose, although himself an absentee, responded to Lord

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1. Sir Charles Edmondstone to Lord Melville, 8 April 1811:
Melville Castle. GD51/1/198/26/23.
2. Sir Charles Edmondstone to Lord Melville, 8 April 1811: 'I am extremely sorry to find that I shall not have the honor of an interview with your Lordship, as I am under the necessity of returning to the South tomorrow....'. GD51/1/198/26/23.
Archibald Colquhoun to Lord Melville, 13 April 1811: 'I did not see Sir Charles here as he made an apology to me & Sir Ilay (Campbell) in place of paying either of us a visit'. GD51/1/198/26/21.
3. Archibald Colquhoun to Lord Melville, 13 April 1811:
GD51/1/198/26/21.

Melville's reiterated advice, and declared that he had told Sir Charles 'that if he did not cultivate the resident Gentry, by living amongst them, I thought he did not act wisely in engaging in the contest'.(1)

The absence of Captain Charles Fleming made the danger inherent in Sir Charles Edmondstone's determination to live in the South less pressing, for even Fleming's canvass had been entrusted to his relations and friends.(2) Nevertheless, the Elphinstone party took a different view of the political situation in Stirlingshire. According to Lord Keith the numbers were 'Just equal', and in making his calculations he insisted that he had 'put Down none who has not promised'.(3) Lord Keith, like the leaders of the Government party in Stirlingshire, was optimistic about the outcome, and indeed there was no reason for the Elphinstone party to lose heart at this stage, for although the electorate was small a contest was rarely determined before there was an immediate prospect of an election. Definite promises once given were usually kept, so they were not readily given, or given without qualification, until an election was imminent. The Abercromby family, for example, were very reluctant to promise their votes to Sir Charles in spite of their connection with Lord Melville, as Sir Charles complained:

'I take the liberty of submitting to your Lordship that I have had a very indecisive letter from Mr. Abercromby, since I called upon him at Tullibody, without finding him at home. I was equally

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1. Duke of Montrose to Lord Melville, 2 April 1811:GD51/1/198/26/22.
2. Lord Keith to Mrs. Mure of Caldwell, 8 May (1811) 'Caldwell Family Papers', vol.2, Part ii, pp.354-5: Maitland Club.
3. Lord Keith to Peter Spiers of Culcreuch, 6 May 1811:GD22/1/327.

'unfortunate as to Sir Robert, but his answer to my written application was of the same nature as the letter of Mr. A. Mr. James Abercromby, upon whom I waited in London, likewise declines coming under any engagement at present....'.(1)

Nevertheless, in spite of this hesitant response to Sir Charles's application, the Abercrombies are listed as favourable to Sir Charles and the Duke of Montrose, not doubting but that Lord Melville would bring them round when the time of election approached. All such political states are at best tentative, and in this case when Lord Melville died in the summer of 1811, the Abercrombies insisted that they were not committed to the Government candidate.(2)

Since the contest began so early, both parties had an opportunity to add new votes to their lists. Both parties supplemented their real supporters with nominal voters, and in June 1811 according to Lord Keith's calculations, there were about to come on the Roll: 'for them 10, but I know not when, for us & Hill seven and eight others in a year hence'.(3)

The Michaelmas Head Court held on the 1st October 1811 turned the balance of power in the county decidedly against the Elphinstone interest. Nothing was heard of six of the claimants for the Elphinstone party mentioned by Lord Keith in his letter of the 3rd June, for only one supporter of Captain Fleming, Lord Archibald Hamilton, second son of the Duke of Hamilton and Brandon, was enrolled. The

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1. Sir Charles Edmondstone to Lord Melville, 8 April 1811: Melville Castle. GD51/1/198/26/23.
2. Lord Keith to Peter Spiers, 19 July 1811: 'I have a letter from Sir R. Abercrombie. Not with the Duke but will not Decide so long before the time. Has no view on the County himself'. GD22/1/327.
3. Lord Keith to Peter Spiers, 3 June 1811: Cunninghame Graham GD22/1/327.

remaining six claimants were not excluded by a hostile majority, they did not appear, perhaps because of some difficulty in the preparation of their qualifications. The party of Sir Charles Edmondstone, on the other hand, successfully enrolled six voters, who more than offset their loss of two votes by the death of John Lennox of Woodhead and Robert Dundas's succession to the Melville peerage.(1) Two of the new supporters of Sir Charles Edmondstone of Duntreath, George Home Drummond of Elair Drummond, and Alexander Livingstone of Parkhall, were genuine freeholders claiming a vote for lands in their possession, but there is reason to doubt if this was the case with the other voters.

The remaining claimants at the Michaelmas meeting, James Trecothick, of Argyle Street in the Parish of St. James and County of Middlesex, Barlow Trecothick, his son, of the same address, Captain Robert Davidson, of the late 83rd Regiment of Foot, Lieutenant-Colonel John McKintosh, of the Royal Marines, and John Kincaid of Kincaid, all claimed to be in possession of portions of the baronies of Easter Kilsyth, Wester Kilsyth, or Campsie, obtained by disposition from Sir Charles Edmondstone of Duntreath to whom these baronies belonged. Nominality may be inferred but it cannot be proved, for all five had received their lands by disposition from Sir Charles heritably and irredeemably, and if there was any obligation to reconvey the qualifications it did not appear on the face of the writs. Nevertheless, it is still the case that at least four of

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1. Freeholders Minutes, 1st October 1811: SC67/59/6/261.

the claimants were the very archetype of the nominal voter, two Londoners, a serving Marine officer unconnected with the county, and a half-pay Captain. The half-pay officer, Captain Davidson, had been one of the men who had received qualifications from the late Sir Archibald Edmondstone of Duntreath in 1787. At that time Davidson was qualified as liferenter of certain lands in the lordship of Kilsyth, but the claim had not been pressed, and the lands were not identical with those on which the new claim was founded.(1)

The representative of the Elphinstone interest at the Michaelmas meeting, Robert Hill, an Edinburgh lawyer who was also a freeholder, stated objections to the enrolment of two of the claimants, George Home Drummond and John Kincaid of Kincaid. In both cases Hill based his objection on ambiguity in the designation of the lands alleged to be included in the qualification. George Home Drummond had recently come into possession of half of the lands of Grange or Abbotsgrange in the parish of Polmont, which he claimed comprehended three recently built farms. Hill's objection was that the farms did not appear by their new names in the titles, which was hardly surprising, and the freeholders found no difficulty in repelling the objection and enrolling George Home Drummond by fifteen votes to two.(2) Hill's second attempt was similar in form, but this time it ended in the successful exclusion of Kincaid. John Kincaid of Kincaid claimed that he was in possession of certain lands in the baronies of Campsie and Wester Kilsyth, among which were the lands of Dumbreck.

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1. Freeholders Minutes, 1st October 1811: SC67/59/6/289.

2. Freeholders Minutes: SC67/59/6/269-273.

Hill pointed out that the certificate of valuation produced for Kincaid referred to the lands of Drumbreck, and although Kincaid's agent insisted that the two names were substantially the same, the objection was sustained by the freeholders by thirteen votes to two. The objection was good, for it would be difficult to look at the place names of any Scottish county without seeing many which could be called substantially the same as others, ^{AND} it was essential to be accurate.(1)

The freeholders manner of dealing with these claims appears to establish two general points. First, their actions were disinterested in spite of the determined political struggle which had been taking place in the county for more than a year; they first leaned to the side of Sir Charles Edmondstone of Duntreath by fifteen votes to two, and then to Charles Fleming by thirteen votes to two. Secondly, it can be inferred from this that the votes founded on dispositions from Sir Charles Edmondstone were carefully made, and must be accepted as good, for if the Elphinstones had possessed any grounds for alleging that all or any of these qualifications were nominal, they would surely have done so, and there was a fair chance that the freeholders would have considered the claims and objections on their merits.

Another full year was to pass before a General Election took place, making this the most prolonged election campaign to be fought in Stirlingshire between the Union and the Reform Bill. The county

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freeholders found themselves in the happy situation of being so much in demand for such a long period that it was very difficult for the candidates to resist their importunities. Whereas in an ordinary campaign, with its relatively short burst of electioneering, a candidate could safely be more generous with promises than with posts, on this occasion he was obliged to deliver. He could no longer fix the votes of freeholders by ill-defined promises to see what could be done in the way of cadetships and other posts for their relations. So much time elapsed between the first canvass and the actual election, that the freeholders expected to see results before they were called upon to use their votes. The reaction of a freeholder to delay in meeting his requests was reported to Lord Keith by Peter Spiers, who informed him that Graham of Gartmore:

'appears hurt at the manner he has been used. He told me that he had applied some time ago to Mr. Elphinstone for obtaining a Cadetship, and never got an answer to his letter. And immediately after Mrs. Grahams death I wrote Mr. Adam at his desire requesting his interest to get a young Man of the Name of Maitland admitted as a Cadet into Woolwich to which letter there has been no answer, and he candidly told me that if he did not get such trifles to oblige his friends that they might depend upon his going against them.....'.(1)

Lord Keith was stirred to action, and immediately advised Peter Spiers that he had a promise of a cadetship in the East India Company's service from Mr. Jackson, one of the Directors,(2) and then wrote to Gartmore offering the appointment to his friend.(3) The request for a Woolwich cadetship was a different matter.

'One thing Gartmore mistakes (is) that it was easy to get into Woolwich', Keith wrote, 'Lord Chatham showed me a list of 165

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1. Peter Spiers to Lord Keith, 28 July 1811 (Copy) GD22/1/326.
2. Lord Keith to Peter Spiers, 2 August 1811: GD22/1/326.
3. Lord Keith to W. Cunningham Graham of Gartmore, 5 September 1811: Cunninghame Graham. GD22/1/326.

'candidates when he gave me one. Vacancies are about 16 or 17 in a year, therefore the names ought to be put on the list at eleven years old for they do not admit after 15.....'.(1)

Appointment to places in the military college at Woolwich, where officers of the technical arms were trained, was in the gift of Lord Mulgrave, the Master-General of the Ordnance. Mulgrave, while in his previous post of First Lord of the Admiralty, had removed Lord Keith from his command because he 'would not send a Proxy to Support this administration and abandon the P(rince of Wales)'.(1) In these circumstances nothing could be expected from Lord Mulgrave, and Gartmore was obliged to content himself with one appointment out of the two which he had requested.

Although patronage was necessarily in short supply, sometimes a simple recommendation was enough to oblige a freeholder. For example, on one occasion in 1811, William Elphinstone and Lord Keith wrote to several influential persons in India in order to recommend Lieutenant George Dummore, of the 22nd Native Infantry. The request for this attention came from the lieutenant's sister, but two of his brothers were Stirlingshire freeholders, a fact which would not have escaped the notice of the Elphinstones.(2) Nevertheless, this campaign had taken place at a bad time for the Elphinstones, for their candidate, Captain Fleming, was absent, William Elphinstone was out of the East India direction in the year ending in April 1811, and Lord Keith was not in command of a fleet,

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1. Lord Keith to Peter Spiers of Culcreuch, 2 August 1811:
Cunninghame Graham. GD22/1/326.
2. Helen Dummore to Lieut. George Dummore, 8 September 1811:
Dunlop Papers, edited J.G. Dunlop, vol. 3, p. 143.

and thus was deprived of the patronage enjoyed by a flag officer.

The Prince Regent was disposed to favour the Elphinstones, but he would not openly oppose the Government;

'As for Patronage the Regent has none nor will He interfere so long as those Men are in office', wrote Lord Keith in the summer of 1811. 'He considers them the King's Ministers. But he has said that any Mark of Favor Done to Me will be considered as an Attention to Himself and that also he Declared Himself to Lord Dundas Calling us his old Friends in presence of others No Doubt on purpose'.(1)

On the other hand, many freeholders would hesitate to oppose the Ministerial candidate openly under any circumstances, and this feeling can only have been reinforced by the realisation that little patronage could be expected from the Elphinstones. Those freeholders with naval connections must have felt that nothing could be done for them for the time being. The situation was summed up by Lieutenant John Campbell, who remarked that since: 'Lord Keith has been ordered to strike his Flag, I believe from disagreeing with the present Ministry, consequently, all hopes of getting forward through him are at an end for the present'.(2) This seems to have influenced Sir Thomas Livingstone, a Stirlingshire baronet who was then a Captain in the Royal Navy. Although Sir Thomas owed his promotion to the rank of Captain to Lord Keith, having been given a command at the Cape of Good Hope in 1795, a Government informant was able to report: 'As to Sir T(homas) L(ivingstone) though I am aware of his dislike to the Duke of Montrose I am satisfied that he will support the Ministerial Candidate'.(3)

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1. Lord Keith to Peter Spiers, 19 July 1811: GD22/1/327.
2. Lieut. John Campbell, R.N. to Mr. Davidson, 4 June 1807: Saltoun 107.
3. Mr. Ferrier to James Hope, 17 August 1812: Melville Castle GD51/1/198/26/30.

Some time during the course of the year 1812 the campaign was abandoned by the Elphinstones as past hope of recovery. Captain Fleming's continued absence could be regarded as certain, for the second Viscount Melville was the First Lord of the Admiralty and he would naturally take care to prevent Fleming from obtaining leave to come to Scotland. Captain Fleming may have been in the county shortly before the election in October 1812, but this is uncertain, and in any case it was then far too late to make any difference since every freeholder who was prepared to promise his vote would have done so before that date. No attempt was made to oppose the election of Sir Charles Edmondstone of Duntreath on the 26th October 1812, and Captain Fleming did not appear at the meeting.

The election meeting was virtually an assembly of Duntreath's supporters, for of the 39 freeholders who attended the meeting at least 34 were known to be Duntreath's supporters. The only known friends of Captain Fleming to attend the meeting were Peter Spiers of Culcreuch and Joseph Stainton of Letham, the Carron Company manager. As no opposition was made to Sir Charles's election, the proceedings were concluded amicably with Peter Spiers moving:

'that the thanks of this Meeting be voted to the late Worthy Member Captain Elphinstone Fleeming, who altho prevented by his duty to his King and Country from taking any active part in the Councils of the Nation, was always ready and willing to promote the welfare and interest of this county....'.(1)

The motion was seconded by the new member of parliament, who could afford to allow his defeated rival the consolation of the thanks of the meeting which rejected him. The First Lord of the Admiralty,

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however, was less charitable, and complained to Lord Keith that Captain Fleming was absent without leave:

'I wish that our friend Fleming may not have got himself into a scrape', wrote Lord Melville. 'A Court Martial has been held at the Nore at which he ought to have been present, & we suspect that his absence vitiates the whole proceedings. He has overstaid his leave of absence already twelve days, & his ship though quite ready for paying off some days ago & all cleared is waiting for his return. The occurrence of the Court Martial brings the matter before us so glaringly that I am afraid we cannot avoid seeing & noticing it.....'.(1)

On this unhappy note Charles Fleming's first term as the member of parliament for Stirlingshire came to an end. Owing to his regular employment at sea Fleming had been unable to take any part in the business of Parliament, and now, when his ship was paying off and he might have been able to do so, he failed to secure election, and to make matters worse failed to secure another command. On the 4th December 1813, having reached the top of the seniority list for Post Captains, Fleming was promoted to the rank of Rear-Admiral,(2) but his Opposition connections and his lack of a parliamentary seat prevented him from securing employment as a flag officer. Immediately after Fleming's promotion to Rear-Admiral, Lord Melville advised Lord Keith that he should 'be very glad to get Admiral Fleming afloat, but the prospect, though perhaps a delusive one, of a large diminution of our Enemy's force, is not a propitious moment for hoisting a flag'.(3) Apparently a propitious moment was slow to arrive, for in 1815, in reply to a further request by Lord Keith for employment for

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1. Lord Melville to Lord Keith, 11 November 1812: National Maritime Museum. Keith Papers Bundle 115.
2. John Marshal, 'Royal Naval Biography, vol.1, pp.577-8.
3. Lord Melville to Lord Keith, 6 December 1813: Keith Papers 115.

his nephew, Lord Melville replied: 'I do not see any prospect at present of employing Admiral Fleming in the way which you mention, or indeed in any other, for we have more flags flying than we know how to dispose of'.(1) Clearly it was professionally disastrous for a naval officer connected with Opposition to be out of Parliament. In an intensely competitive profession, employment for an Opposition supporter would rank very low in the Admiralty's scale of priorities. On the other hand, if he was a member of parliament his nuisance value might be so great that it would be in the interest of the Government to remove him by giving him a command.

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1. Lord Melville to Lord Keith, 16 June 1815: Keith Papers 115.

Chapter Eight.

County Politics, 1812 to 1821.

Sir Charles Edmondstone of Duntreath retained his parliamentary seat until his death in 1821, and had little difficulty in securing re-election in 1818 and 1820. In spite of his defeat in 1812, Admiral Fleming of Cumbernauld continued to be regarded as the Whig candidate for Stirlingshire until the year 1818, but in January of that year Lord Keith advised Peter Spiers of Culcreuch:

'that Ad(miral) Fleming had written that he had no Intention of offering himself to the County.....Mr.Elphinstone and Myself think it right that you should be informed of this Resolution to give any other Gentlemen an opportunity of trying their Interest.....'(1)

Sir Charles Edmondstone's new opponent in 1818 was Michael Stewart Nicolson of Carnock, a son of Sir John Shaw Stewart of Greenock, but Sir Charles was re-elected with a majority of thirty votes, 54 freeholders voting for Duntreath and 24 for Nicolson.(2) Sir Charles Edmondstone's majority was increased by the absence of Lord Archibald Hamilton and his friends who were also freeholders in Lanarkshire, where the election had been fixed for the same day. The Lanarkshire election had been the first to be fixed, and the choice of the same day for the Stirlingshire election appears to have been deliberate. It certainly hurt the Laird of Carnock, for he complained in the newspapers that:

'As several of your number are likewise Freeholders in Lanarkshire, I regret extremely that the Sheriff should have selected the same day which had been previously fixed on for that county; and

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1. Lord Keith to Peter Spiers, 29 January 1818: GD22/1/327.

2. Freeholders Minutes, 2nd July 1818: SC67/59/7/111-115.

'fully aware of the great inconvenience which such an arrangement must necessarily occasion, I have spared no exertion to procure an alteration of the day, but without success.....'.(1)

Nevertheless, it is unlikely that Nicolson lost thirty votes in this way, and in fact he appears to have been rather easily beaten. None of the newspapers appear to have found any political activity worth reporting, and it is something of a mystery why Nicolson persisted.

Michael Nicolson's chief supporter in the election of 1818 was Lord Dundas, who supplied five of the 24 voters who joined him, which would seem to presage some attempt by the Dundas family to recover their former influence in Stirlingshire. The Elphinstones and their friend Lord Archibald Hamilton were too involved in Lanarkshire politics to take part in the election. Sir Charles Edmondstone of Duntreath was still the candidate of the Duke of Montrose, and his easy success was a considerable victory for the Duke, who appeared to have overcome the freeholders long-standing dislike of aristocratic influence. But the election of 1818 was to be the Duke of Montrose's last victory before the Reform Bill changed the rules of the political game, and dislike of ducal influence persisted. The election of 1821 produced a new and more effective challenger than an avowed member of the Opposition, and this man campaigned on a platform of reducing the Duke's power in Stirlingshire.

Soon after his unopposed re-election in 1820, Sir Charles Edmondstone's health deteriorated and he decided to terminate his

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1. Michael Stewart Nicolson to the Freeholders of Stirlingshire, 18 June 1818; Caledonian Mercury, 20th June 1818.

political career, intending, with the assistance of the Duke of Montrose, to hand on the representation of the county to his eldest son, Archibald Edmondstone. In November 1820 this intention was made public by Archibald Edmondstone commencing a canvass of the county. The Duke of Montrose supported Edmondstone and wrote to Lord Melville to ask for his assistance, 'particularly with Sir Robert & Mr. Abercrombie', who had taken no part in the contest in 1818 but who had a good deal of influence in the county. (1)

Unfortunately for the influence of the Duke of Montrose, however, another candidate, Henry Home Drummond of Blair Drummond, had already started, and Drummond was also closely connected with the Government, being an Advocate-Depute. Consequently Lord Melville frankly told the Duke of Montrose that 'if there is to be a Contest in Stirlingshire between two Candidates both professing support to the present Govt. I should not chuse without Lord Liverpool's knowledge and concurrence to pledge Govt. in any way or to take any part in such a Contest'. (2) The advent of two candidates professing friendship to Government undoubtedly posed problems for the Ministers, for they were concerned with elections throughout Scotland and not simply the Stirlingshire contest. A struggle was expected in the neighbouring county of Dumbarton as well as in Stirlingshire, and unless the friends of Administration could agree among themselves there was a distinct possibility that one or both of these counties

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1. Duke of Montrose to Lord Melville, 28 November 1820; GD51/1/198/26/47.
2. Lord Melville to the Duke of Montrose, 30 November 1820 (Copy) Melville Castle. GD51/1/198/26/47.

would be lost to the Opposition. 'It was impossible not to see that in a scramble among political friends, our Opponents may find a means of benefitting their cause', complained Lord Melville.⁽¹⁾ Accordingly every effort was made to reach a compromise solution which would satisfy all interests within the Ministerial party. The first suggestion which Lord Melville put forward, was that Archibald Edmondstone should stand for Dunbartonshire, where his family were also substantial landowners, and leave Stirlingshire to Henry Home Drummond, but Edmondstone did not think much of that idea. Archibald Edmondstone was not on the Roll in Dunbartonshire, and, moreover, 'he states that having no residence in that County, and intending to take up his residence permanently in Stirlingshire, he would not chuse to offer himself for the former County or to forego what he considers his reasonable pretensions to the latter'.

(1) If a contest could not be avoided, Lord Melville believed that the situation in Dunbartonshire would oblige the Government to support Archibald Edmondstone in Stirlingshire, but he hoped that Henry Home Drummond could be induced to stand down on this occasion, reserving his right to come forward again at a future election. The division in the ranks of the Government party gave the Stirlingshire Whigs a fine opportunity to revive their flagging cause, since it was virtually certain that neither of the declared candidates could muster a majority of the freeholders on the Roll without assistance from the Whigs.

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1. Lord Melville to Lord Advocate Sir William Rae, 14 December 1820: (Copy) Melville Castle. GD51/1/198/26/50.
2. Anti-Ministerial group; Burgh Reformers and other opponents of the Melville interest.

Naturally the leaders of the Stirlingshire Whigs were not slow to take advantage of their unique position of power, and according to Lord Melville:

'Mr.Wm.Elphinstone only this morning informed Mr.Edmonstone that his (Elphinstone's) interest and that of his friends in Stirlingshire was by no means embarked with Mr.Drummond in this contest and he sounded Mr.Edmonstone as to whither it might not be better for the latter to unite with them than with the Duke of Montrose or any Candidate friendly to Government....'.(1)

Henry Home Drummond being a well-known Tory, the Stirlingshire Whigs would prefer, it would seem, the unknown Archibald Edmondstone, if he would break with the Duke of Montrose and openly join them. Edmondstone, however, rejected the offer.

Although approached by the Lord Advocate, Henry Home Drummond likewise refused to give way. As Sir William Rae reported:

'he feels he can not now retire from the Contest without some unlooked for occurrence taking place, which may afford him a sufficient Reason to assign for so doing. If a Whig Candidate was to start and there appeared any (chance) of the County falling into the hands of that Party, I have Mr.D's assurance that he will make any sacrifice to prevent such a result; But supported as he is by Polmaise the Vice-Lieutenant and a very large portion of the landed interest of that County, he conceives that it would be neither handsome to them nor creditable to himself was he now to retire without some such unlooked for occurrence taking place.....'.(2)

The only reason for Henry Home Drummond's intervention in the Stirlingshire election appears to have been an aversion to the influence of the Duke of Montrose. Resentment of the power of the Montrose family was one of the constant features of Stirlingshire political life and it cut across considerations of party. Henry

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1. Lord Melville to Sir William Rae, 14 December 1820 (Copy)
GD51/1/198/26/50.

2. Sir William Rae to Lord Melville, 19 December 1820:
Melville Castle. GD51/1/198/8/6

Home Drummond had no reason to seek election in Stirlingshire in order to assist his own political career, for he was already a member of parliament, and there is no suggestion that he would have had any difficulty in securing re-election for his existing constituency, the Lauder Burghs.

The Abercromby family, like Drummond, were connected with the Government, and like him they opposed the Duke of Montrose. Lord Melville complained that George Abercromby of Tullibody was 'somewhat too hot against the supposed dictation of the Duke of Montrose; whereas the fact is that the latter has no object in view but the interest of Government'.⁽¹⁾ On the other hand, even Lord Melville felt obliged to admit that he had;

'sometimes thought (entre nous) that the Duke from an anxious desire to keep everything right, gave himself more trouble than was necessary in regard to various County matters which in other Counties are usually left to be managed by the Member, and perhaps the general absence of Sir Charles Edmonstone from the County renders such interference on the part of the Duke in a degree unavoidable.....'.⁽¹⁾

The Duke of Montrose had secured the election of Sir Charles Edmonstone, but this gentleman, although a large landowner, was an absentee. In the absence of Sir Charles, the Duke appears to have taken upon himself most of the political management of the county, and his interference was strongly resented not only by the Whigs but also by some of the leading Tory gentlemen, such as Murray of Polmaise, the Vice-Lieutenant, the Abercrombies, and Henry Home Drummond of Blair Drummond. The Tory gentlemen who supported Henry

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1. Lord Melville to Sir William Rae, 14 December 1820:
Melville Castle. GD51/1/198/26/50.

Home Drummond, according to the freeholder author of an article in the Edinburgh Magazine, had come forward solely:

'for the purpose of breaking the undue influence of a nobleman connected with it.(the County) I do not suppose that that influence was improperly used, or that the highly estimable individual who exercised it, did it in any manner inconsistent with the public good, yet its existence was an offence which it was proper to do away with, and to prove that a representative could be returned for so respectable a county, who had not been previously nominated by the nobleman in question.....'.(1)

The possibility of the Whig gentlemen introducing a third candidate was a remote one, and since Archibald Edmondstone was not to be detached from the Duke they were almost certain to support Drummond, who felt confident that they would decide to join him against Montrose's candidate.(2) This was made more certain by the actions of Lord Melville, who, without actively canvassing for Edmondstone, showed that he wished for his success. For example, when replying to a letter from James Horne of Middlequarter, a freeholder who had offered him his vote, Melville remarked that:

'Though I have no inclination to take any active part in the present contest in Stirlingshire, I have no difficulty in stating to you as I have already done to others, that if I were still a Freeholder in that County, I should certainly on the present occasion give my vote for Mr.Edmonstone.....'.(3)

The political situation in Stirlingshire at the beginning of the campaign therefore was completely open. In the Lord Advocate's opinion: 'Every thing depends on the course which the Whigs may pursue. If they stick together & all will take the trouble to turn

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1. 'A Scotch County Election'. Edinburgh Magazine, June 1821,p.551.
 2. Sir William Rae to Lord Melville, 19 December 1820;GD51/1/198/8/6
 3. Lord Melville to James Horne, 19 December 1820 (Copy)
Melville Castle. GD51/1/198/26/49.

'out on the day of Election, Drummond will carry it....But as this seems somewhat doubtful I should consider Mr. Edmonstone as having the best chance'. (1) According to a calculation made by the Montrose party in January 1821, which supported the Advocate's contention, Archibald Edmondstone could count on 45 votes, and Henry Home Drummond fifteen; but there were a further eight voters undeclared, one who had never voted, and a solid block of 35 Whigs, who clearly had it in their power to determine which candidate should be elected. (2)

Although this was a very unsatisfactory state of affairs from the Government point of view, Sir William Rae and Lord Melville continued to refuse to take an active part in the contest, and gave very lukewarm support to Archibald Edmondstone. In Lord Melville's opinion it was the Lord Advocate's duty to advise any freeholder who might be influenced by the knowledge, that the Government favoured Edmondstone, for this was not immediately obvious since Drummond continued to hold office as an Advocate-Depute. This was to be the limit of Sir William's intervention, however, for as Lord Melville advised the Duke of Montrose:

'if Mr. Edmonstone expected that, considering the private and official connection of Mr. Drummond with the Lord Advocate, the habits on which they live together, and the daily and almost hourly intercourse which must take place between them, an official mandate was nevertheless to be issued to the latter requiring him to canvass against Mr. Drummond with as much zeal and activity as he would against his most determined political and personal opponent, I can only say that my idea of what is fair and liberal,

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1. Sir William Rae to Lord Melville, 28 December 1820:GD51/1/198/8/8.

2. 'Supposed state of Votes in Stirlingshire, January 1821'. Melville Castle. GD51/1/198/26/48.

'and as due to the feelings of another in such a case do not coincide with those of Mr. Edmondstone.....'.(1)

Lord Melville bluntly refused to write any letters in Edmondstone's favour, declaring that he never did so unless he 'had a personal and private interest independent of office'.(1) Clearly the Duke of Montrose and his friends gained little from being the official Government interest in Stirlingshire.

Lord Melville was out of touch with developments in the county, however, and the news of the actual state of the parties in Stirlingshire came as an unpleasant surprise to him, and made him reconsider his attitude to Archibald Edmondstone's request for help. Nobody on the Government side was prepared to dispute the essential accuracy of the figures supplied by the Duke of Montrose, and in the current state of parties, as Melville pointed out in a letter to Sir William Rae:

'The Whigs are stated to be 35, & if they keep altogether united, (which however is not likely) it is quite clear that Mr. Drummond if elected, will owe his success, not to the support of any considerable body of the Gentlemen of the County of the same political principles with himself, but of those whose only aim & object is to oppose the Government. Under these circumstances, & supposing my statement of the numbers to be correct (& it cannot be far wrong) I cannot think that we are acting fairly to the great majority of our friends in that County, or to the Duke of Montrose, who has all along been exerting himself to support the interest of Government, in leaving those friends in the lurch, & allowing the Enemy to walk over themI do not believe that the influence of Government would have much effect either way, but whatever may be its extent.....I do not think that we have now any alternative but to exert it in favour of Mr. Edmondstone.....'(2)

But it was a little late to be thinking in terms of active inter-

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1. Lord Melville to the Duke of Montrose, 1 January 1821 (Copy):
Melville Castle. GD51/1/198/26/53.
2. Lord Melville to Sir William Rae, 6 January 1821 (Copy):
GD51/1/198/8/9.

vention by the Government. Had the Administration decided to intervene at the outset it is possible that most of the friends of Government in the county would have come to heel, and that was what the late Henry Dundas would have done. But the representatives of Government had taken no action; Lord Melville had not felt 'at liberty (having no right whatever to do so) to object to Mr. Drummond becoming a Candidate', (1) and the canvassing had been undertaken without the intervention of Government. In these circumstances it was really too late for the Ministers to change their minds, for the Tory freeholders who had promised their votes to their fellow Tory, Henry Home Drummond, would be unlikely to go back on their pledged word in order to humour Ministers who could not make up their minds to take a decision. Any Government activity might even make matters worse, for, as Sir William Rae pointed out:

'I do not well see how we can help Mr. Edmonstone and that even some caution is necessary in making public our resolutions. At present the Whigs only look for a victory over the Duke of Montrose, and thinking that Drummond is equally agreeable to us many of them feel noways kindly to Drummond, & some of them in consequence not yet declared and several may in such a Contest not care to put themselves to the trouble of attending the Election. But if the Resolution of Government is once known, the whole Whigs will declare for Drummond and will turn out on the day of Election to a Man.....'. (2)

Although he was well aware that he would owe his election to Whig support, Henry Home Drummond did not negotiate with them, and did his best to avoid deepening the split in the ranks of the Stirlingshire Tories. In a private letter to a Tory freeholder who

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1. Lord Melville to the Duke of Montrose, 30 November 1820 (Copy):
Melville Castle. GD51/1/198/26/47.
2. Sir William Rae to Lord Melville, 9 January 1821:
GD51/1/198/26/54.

was to vote against him, Drummond insisted that:

'In writing to some others of my friends I cannot pass you over, or look on you as any thing else than friendly, as you have always allowed me to speak to you confidentially, & taken no other part against me than by giving your vote to my opponent. I have now the avowed support of Admiral Fleming & his friends, & I trust you will not cast down your countenance on me if I beat my opponent.....It is my ardent wish to conduct this business inoffensively, & as nothing disagreeable has hitherto occurred I trust nothing will.....'.(1)

The uncertainty about the date of the election was ended in April 1821 by the death of Sir Charles Edmondstone of Duntreath, and the Sheriff ordered the by-election to be held on the 24th May 1821.

(2) Unprecedented efforts were made by both parties to secure the greatest possible attendance:

'Every effort required to be made: votes were summoned from the most distant quarters; neither rank, nor business, nor age, prevented many distinguished individuals from taking long and laborious journeys, and even sickness and infirmity were scarcely felt to be pleas of absence. What rendered the whole more striking was, that both the candidates were on the same side of politics in the state, and that the preference given to the one, even by his strongest political antagonists, arose chiefly from the circumstance, that he had stood forward to rescue the county from the thralldom under which it had long lain. He was carried through by the means of almost unexampled efforts, and it is in consideration of the possibility of such efforts succeeding under our present system, that there is, I repeat, a grandeur attached to it, amidst all its striking defects.....'.(3)

The author of the above quoted report did not exaggerate the extent of the muster; many freeholders came from England, and James Horne, one of Sir Archibald Edmondstone's supporters, writing from his

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1. Henry Home Drummond to Thomas Graham Stirling of Airth, 9 April 1821: Airth MSS. Acc.3012/viii/F 7.
2. Duke of Montrose to Thomas Graham Stirling, 19 April 1821: 'Poor Sir Charles being dead, the writ will soon be moved...' Airth MSS. Acc.3012/ix A/F 13; Freeholders Minutes, 24 May 1821: SC67/59/7/213-8.
3. Edinburgh Magazine, June 1821, pp.551-2.

house of Langwell in Caithness, declared: 'If he cannot get me a fair tie off I shall step into the mail coach, which passes within half a mile of my door, and appear at Stirling, tho 300 miles distant'.(1)

On the day of election these efforts were reflected in the muster, for 96 freeholders were present out of a total Roll of 113, and this in spite of the fact that a week before the election the Duke of Montrose was convinced that his candidate would lose.(2) All sources seem to agree that the contest was carried on with the greatest good humour in spite of the determination of the participants. According to the report given in the Glasgow Herald, 'the contest previous to the election was the keenest, and at the meeting conducted with the greatest moderation, of any that perhaps ever took place'.(3) The account given in the Edinburgh Magazine describes how some twenty freeholders sailed up the river Forth to Stirling; they:

'were all, however opposed in party, or politics, in the most perfect good humour with each other, in the course of this voyage, and joked on the different chances of success, with the most amiable urbanity. Indeed there was something very singular in the union and splitting of parties on this occasion. Most of the Whig party were on the side of the successful candidate, who is, however, a gentleman of decided Tory principles, and it was by a strong body of his own political party that he was opposed. There was nothing then of a very violent party feeling in any bosom upon this occasion. The two divisions of Tories were naturally not very ill-disposed to each other; and the Whigs, finding themselves in a singular union with one of these divisions, dropped of course for the time, every sentiment of asperity, and rather seemed to enjoy the comical nature of their situation'.(4)

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1. James Horne to Lord Melville, 21 April 1821:GD51/1/198/26/55.
2. Duke of Montrose to Thomas Graham Stirling, 12 May 1821: Acc.3012/1x A/F 13.
3. Quoted in Glasgow Courier, 26 May 1821.
4. Edinburgh Magazine, June 1821, pp.552-3.

On the eve of the election the two principals and their respective agents realised that there was no way of predicting the result of such an unusual contest with safety, and that the election was still open. Henry Home Drummond had gained seven previously undeclared freeholders, including a promise from Moir of Leckie, a baron who normally took no part in politics although he possessed a good vote. On the other hand Drummond had failed to secure the support of Lord Dundas who would not take action for a Tory, which reduced his anticipated strength by four votes, and Francis Simpson of Plean, a Whig gentleman, had decided to support Sir Archibald Edmondstone of Duntreath.(1) Sir Archibald had also increased his support from the January figures, having gained four voters previously undeclared in addition to the Laird of Plean. Clearly everything hinged on the actual numbers who appeared on the day of election, and the scene in Stirling on the night before the meeting reflected the anxiety of the participants:

'On entering the room where our party was', reported one of Henry Home Drummond's supporters, 'I found our Candidate busy with lawyers, who were preparing notes, or turning over authorities, or whispering with him aside on the casualties of votes, or the uncertainties of voters. We had a late dinner.....at which we drank "Independence to the County". One of the party set off on a night journey to fix some voter who was not quite to be depended on: and the rest of us went to bed with our heads running upon such important strokes in the game, and with the feeling that any unfortunate move would yet ruin the whole play....'.(2)

On the 24th May 1821, 96 freeholders appeared at the Court-house of Stirling, and as usual in closely fought elections where the parties were fairly matched, the vote for preses was decisive.

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1. 'Supposed State of the Votes....January 1821':GD51/1/198/26/48, and Freeholders Minutes: SC67/59/7/218-222.
2. Edinburgh Magazine, June 1821, p.554.

Admiral Charles Fleming was proposed by the Drummond faction, while Thomas Graham Stirling of Airth was named by Sir Archibald Edmondstone's friends. Three of the 96 freeholders present could not vote for they were enrolled as fiars and the liferenters were also present, which reduced the total to 93. Of this number 47 voted for the Admiral and 46 for the Laird of Airth, and the Admiral accordingly took the chair. The Drummond faction moreover controlled the casting vote had this been required, for Admiral Fleming was the last elected representative of the county present at the meeting, while Charles Dundas, another freeholder friendly to the Drummond interest, was the oldest freeholder on the Roll. (1)

The calling of the Roll in the vote for preses did not pass without incident, for two of the freeholders claimed to vote for the same lands:

'On the name of Mr. Speirs, yr. of Culcreugh, being called, Mr. Warden of Parkhill stated that he had yesterday learned that Mr. Speirs claimed a right to vote, as being possessor of the lands of Cunningham Glins; as he was himself possessor of those very lands, he wished the trust oath to be put to Mr. Speirs.

'Mr. Speirs said he was perfectly ready to take the oath, as he was in actual possession of the freehold on which he stood enrolled; he had collected the feu duties, and granted charters to the vassals. The oath was then administered to and taken by Mr. Speirs.

'When the Clerk called the name of R. Warden of Parkhill, Mr. Speirs rose and stated that he understood that Mr. Warden claimed a right to vote on the same lands in return of which he stood enrolled; but he was in fact the real and only superior of these lands, and, as it was completely impossible that Mr. Warden could have the least right to them, he would therefore tender to him in turn the oath of trust and possession.

'.....Mr. Warden stated that he considered that his claim and vote were perfectly good. Mr. Speirs had declared that he had actually collected the feu duties, he was really sincerely sorry he had time to do so. They were only a single barley corn in the

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'year, and few landlords would take the trouble to exact such a trifle. He declared he was willing to take the oath of trust and possession, which was accordingly administered to and taken by him also, and these gentlemen both swore distinctly that they were in actual possession of the superiority of one identical piece of ground, namely the lands of Curningham Glens....'.(1)

This incident is a good example of the confusion which could attend attempts to found qualifications upon the old extent of lands at this late period when there was considerable uncertainty about the identity of lands named in seventeenth century retours. In this case Alexander Graeme Spiers had a liferent from his father of the lands of Colquhoun Glyns, sometimes called Curningham Glens, in the parish of Balfron. The lands were valued at £328 Scots, and were possessed by vassals. Robert Warden of Contullich, in the county of Ross, had acquired title to certain parts of the barony of Campsie from Sir Archibald Edmondstone, and his lands were described as the lands of Gunnisglen, or Gunniglens, or Cummings Glen, which were identified with the lands of Colquhoun Glens for which a retour dated 27th February 1674 could be produced to establish that the last named lands were valued at ten pounds of old extent. Unfortunately for Mr. Warden, however, the lands were not identical, and he was forced to admit after a subsequent action in the Court of Session that his titles had been made up in ignorance and error, and his title was reduced so far as it related to the lands of Colquhoun Glens of which Spiers was the superior. Since the retour also referred to Spiers lands, Warden's qualification was also reduced.(2)

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1. The Correspondent, 26th May 1821, quoting Glasgow Chronicle.
2. Freeholders Minutes, 1st October 1822: 'Objection for Alexander Graeme Spiers Esq to Robert Warden of Parkhill continuing on the Roll....and Extract decret of Reduction'. SC67"59/7/313.

On the vote for the member of parliament four freeholders from each party, including the candidates, paired off, but four new voters in the interest of Henry Home Drummond had been enrolled, so that the latter was elected by 47 votes to 42.(1) Ten of Drummond's supporters had voted with the late Sir Charles Edmondstone at the last contested election in 1818, and he also received the votes of eleven of the freeholders who had supported Nicolson of Carnock on that occasion. Sir Archibald Edmondstone on the other hand gained only one of the voters who had supported the Laird of Carnock in 1818, Francis Simpson of Plean.(2) This contest had literally turned on a single vote, and every freeholder who could be persuaded to turn out had been brought to Stirling for the occasion. One newspaper reported that 'much interest was excited by the venerable Captain McLachlan coming to the meeting on a sofa to give his vote for Mr.Drummond'.(3)

A very confused and misinformed account of the election appeared in the Scotsman of the 2nd June 1821. The writer credited the second Lord Melville with more political skill than he actually possessed, and insisted that Henry Home Drummond had been elected by a coalition of the Whig and Melville interests, whereas of course Melville, after a good deal of vacillation, had clearly come down on the side of Sir Archibald Edmondstone of Duntreath. The Scotsman's view that this was a fight between Melville and Montrose, with the Stirlingshire Whigs in an 'unnatural coalition' with the former, is clearly

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1. Freeholders Minutes, 24th May 1821: SC67/59/7/234-8
2. Freeholders Minutes, 2nd July 1818 and 24th May 1821: SC67/59/7/111-115 and SC67/59/7/234-8
3. Edinburgh Correspondent, 28th May 1821, quoting Glasgow Chronicle.

wrong, nevertheless there is a good deal of justification for the newspaper's complaint that:

'Had the Whigs consulted their own true dignity, they would have nominated a candidate of independent principles; and, had their enemies continued divided, they must have been successful. If they found it impossible to place in the House a real representative of the people, they ought at least not to have assisted in sending a man whose whole public life has been marked by a peculiar want of sympathy with the public rights of his countrymen.....Mr.D.long held the office of Depute-Advocate and his most distinguished appearance in that character can never be forgotten. We allude to the trial of Macdonald in 1817. When the conduct of the Depute-Advocate, chiefly implicated in that extraordinary transaction, was mentioned in the House of Commons, it was loudly deprecated by all sides of the House. What must the people then think of the consistency of the Whigs, when they find them, from motives of local jealousy, contributing to send one who has made such public appearances into Parliament ?..'.(1)

If the Whigs had followed the course of action advised by The Scotsman the candidate of the Duke of Montrose would have been returned, for early in the contest Henry Home Drummond had assured Sir William Rae, that in the event of a Whig candidate coming forward he would stand down, and the united Tories had enough votes to defeat any Whig. Nevertheless, from the point of view of the national interest of the Whig party, Drummond was an unfortunate choice, and they would undoubtedly have preferred Duntreath if he could have been separated from the Duke of Montrose. Drummond, as The Scotsman pointed out was best remembered as the Advocate-Depute who had been accused of bribing witnesses in the trial of Andrew McKinnlay in 1817, and at a time when the Whigs were looking for popular support an alliance with such a man can have done them little good:

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1. Scotsman, 2nd June 1821.

'The only true foundations of Whig power are the esteem and confidence of the people', declared The Scotsman. 'These are to be attained by frank, manly, and consistent opposition to the enemies of liberty. There must be no half measures..... The end will not justify such means. The people judge from what they see.....and they never will be brought to repose confidence in men whom they find ready to join, for the promotion of private interests, with their deadliest foes'.(1)

The Tory journals got a great deal of amusement by pointing out the inconsistency of the Whigs in supporting Drummond after all that they had said against him in connection with the McKinlay trial.

Lord Archibald Hamilton, the member of parliament for Lanarkshire, was particularly open to attack:

'When his Lordship on the 10th of February 1818, wished to bring the conduct of the Law Officers in Scotland under the view of the House of Commons, it certainly would not have been anticipated from his speech on that occasion, that in three little years the name of Lord Archibald Hamilton would have stood first in a list of Freeholders who supported the pretensions of Mr. Home Drummond to a seat in the British House of Commons', sneered the Glasgow Herald.(2)

Lord Archibald appears to have made matters worse at the post-election celebrations if the John Bull is to be believed. An anonymous correspondent reported that Lord Archibald Hamilton:

'at the election dinner, gave as a toast, the health of the said Mr. Home Drummond, prefacing it by saying, that he was politically opposed to him in the House of Commons, but, nevertheless, he would always vote for him in the county of Stirling, as long as he stood forward to rescue that county from the domineering and aristocratic influence which had been so long lorded over itmeaning that of the Duke of Montrose.

'I happened, Sir, at the moment of this monstrous explosion of folly, to be sitting next a gentleman, who is also a freeholder in the county of Lanark, in the interest of Lord Archibald, and I could not resist being so malicious as to whisper to him, that I trusted his Noble Friend would be consistent and patriotic

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1. Scotsman, 2nd June 1821.

2. Glasgow Courier, 26th May 1821, quoting Glasgow Herald.

'enough to support some independent gentleman, who might come forward to free Lanarkshire from similar domination....'.(1)

The political situation in Stirlingshire after the election of 1821 was thus somewhat unusual. The member of parliament, although known as a gentleman of Tory principles, owed his election to the support of Rear-Admiral Fleming of Cumbernauld and the Whig party in the county as much as to the county's dislike of the influence of the Duke of Montrose. Although Henry Home Drummond acknowledged in his post-election speech that 'he might be in part indebted for his election to the very unpopular cause he had come forward to oppose', he insisted that 'he had nothing to hope from any party, he had made no promises'.(2) This assertion was to be justified by Drummond's conduct in Parliament. Henry Home Drummond was an independent. He had opposed Sir Archibald Edmondstone in order to establish 'the right of the elective franchise where it ought to be, and where he trusted it would ever remain, in the hands of the real freeholders of the county'.(2) In these circumstances he could not honourably be a party hack, and his record in Parliament is good, for he supported or opposed measures on their merits regardless of their origin.

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1. Glasgow Courier, 7th June 1821, quoted from John Bull, 3rd June.
2. Edinburgh Correspondent, 28th May 1821, from Glasgow Chronicle.

Chapter Nine.

County Politics, 1821 to 1832.

(1) Henry Home Drummond and Stirlingshire, 1821 to 1831.

After his election in 1821 Henry Home Drummond of Blair Drummond had no difficulty in retaining his influence in the county until the Reform Bill crisis of 1831-2, which forced the freeholders to take a partisan position either for or against Reform. Between these two dates Drummond was re-elected without opposition on the 28th June 1826 and the 19th August 1830.⁽¹⁾ The reason for his success as a member of parliament was undoubtedly his close attention to county business together with the fact that he lived in the district. Blair Drummond is actually outside the county of Stirling, in the parish of Kincardine in Menteith on the Perthshire bank of the Forth, but it is just on the border of the two counties and Drummond was well known in Stirlingshire. Every year between 1821 and 1831 he presided at the annual Michaelmas Head Courts in Stirling, and he used this opportunity to explain controversial legislation proposed for the next session of Parliament. Drummond would explain the contents of a Bill at length, and then, by putting the main points he had made to the meeting in the form of resolutions, secured a vote of confidence in advance for his actions during the next session. It was his belief that:

'Those at least who feel that they are in any degree selected by the free choice of their constituents, from their supposed fitness for the office, will agree with me in thinking, that the only

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1. Freeholders Minutes: SC67/59/7/555 and SC67/59/8/109.

'adequate return they can make for the confidence reposed in them, is to give their sedulous attention to the promotion of those local interests over which it is their peculiar duty to watch, and to devote their anxious exertions to the public service of their country....'.(1)

Henry Home Drummond's concern to explain his actions to his constituents does not mean that he felt bound to consult them on every issue or to follow their instructions. 'I have always avoided giving any pledges of my public conduct, and thought it my duty to reserve to myself the free exercise of my own understanding when the time comes for discussing and deciding', he declared at his election in 1830.(2) Drummond was not prepared to be the delegate of the freeholders of Stirlingshire, and he was not expected to obey instructions. The gentlemen of the county knew that when Drummond said that he would retain the free exercise of his own understanding, he meant just that. Although Drummond in general supported the Government, he could still be regarded as an independent. Political parties had not yet developed to the point where the individual member of parliament was transformed into a voting machine to be propelled in the direction of the voting lobby by the party whips. According to Graham of Airth, Henry Home Drummond was:

'Ever ready at his post to attend to his duty, he never failed during the many important measures deliberated upon by the legislature, to manifest how much he was guided by sound judgment and enlightened views. More, he always showed that he was free and independent in his vote, and only supported the measures of Government, when he conscientiously considered these to be conducive to the interests of his country....'.(2)

Finally, Henry Home Drummond is better described as a conservative

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1. Report of the Stirling County Meeting, 5th October 1824:
Scotsman, 9th October 1824.
2. Stirling Journal, 26th August 1830.

than as a Tory. He was not opposed to necessary change, and he realised that change was needed. In one of his reported speeches he remarked that:

'sound policy seemed to him to require that we should not strive to live in times that had gone bye.....but rather seek to accommodate ourselves, painful as the effort may occasionally be, to the changes that are constantly passing around us, and which we have no more power to stop than we have to arrest the heavenly bodies in their course.....He could assure them that he spoke from no love of change....on the contrary, he believed if his mind and motives were analysed, he was in more danger of being convicted of dread of innovation. But witnessing the progress of the human mind in the present age.....rapid beyond all former precedent and example....and desiring to transmit, unimpaired, to posterity, the blessings of the British constitution, he was anxious to prepare, ere it became too late, for the changes that time and circumstances imperiously require.....'(1)

There is no doubt that Henry Home Drummond was a popular member of parliament who drew support from Whig and Tory alike, and the explanation lies in his actions and opinions. Drummond consistently treated the freeholders of Stirlingshire as they expected to be treated; he consulted them on major issues of policy at both local and national level, and was in every way the antithesis of the late Sir Charles Edmondstone of Duntreath who had preferred to live in Ireland or England and was rarely seen in the county. Drummond had no patron, and although he was friendly to Government he was also independent; his political philosophy had something for everyone, with the exception of the ultra-Tory and the Radical. The county freeholders of both parties were happy to leave the county representation in his hands, confident that Drummond would consider all

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1. Stirling Journal, 29th June 1826.

measures on their merits. Drummond's success as a member of parliament was such that he would undoubtedly have retained the seat for many years longer had it not been for the urgent question of parliamentary reform. Henry Home Drummond did not oppose reform, for it would be difficult for any thinking Scotsman who was not an ultra-Tory to do so, but he did not care for the measures proposed by the Whigs in 1831.(1)

In the spring of 1830 Henry Home Drummond's friend and political ally Admiral Fleming, the leader of the Stirlingshire Whigs, sailed from the port of La Guira in the new republic of Venezuela, on his way to Jamaica, Nassau, and ultimately England, on the conclusion of his period of command in the West Indies.(2) The occasion of an Admiral striking his flag was always a propitious moment to think about politics, but Admiral Fleming may possibly have had a more pressing reason to try to enter Parliament at this time. Fleming was married to a Spanish lady, and during the period of his command his wife and child took up residence in the city of Caracas where they were frequently joined by the Admiral. Caracas was at that time in the republic of Colombia, which then comprehended modern Venezuela, and Fleming became very close to General Paez, the leader of the Venezuelan separatists. Undoubtedly the Admiral

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1. 'I hope no one will think it inconsistent to admit the expediency of very considerable alteration of the Elective Franchise, and, at the same time, to disapprove of the Bills introduced in the House of Commons as dangerous and ill-digested innovations...'. Report of Drummond's address to the freeholders on the 27th April 1831: Stirling Journal, 28th April 1831.
2. Scotsman, 26th May 1830.

encouraged Paez and his supporters to throw off the authority of General Bolivar and the Government of Colombia and declare their independence, but how far he had authority to do so is uncertain. The new republic was proclaimed in 1830, the year of Admiral Fleming's recall, and in the event of any serious trouble between Colombia and the new Venezuelan regime, it would be advisable for an officer who had promoted the dismemberment of the republic of Colombia to possess a seat in Parliament.(1)

Nevertheless, however pressing Admiral Fleming's need for a parliamentary seat might be, Henry Home Drummond's success as the representative of Stirlingshire made it unlikely that Fleming would have opposed him in that county had the political situation remained unaltered. If national politics had continued in the same way as they had been on the eve of Fleming's departure for the West Indies in 1826 consensus politics would have continued to prevail in Stirlingshire.(2) But by 1831 the great question of parliamentary reform made it impracticable to expect a continuance of the unanimity which had been Henry Home Drummond's strength. Drummond definitely opposed the measures introduced by Lord Grey's Administration in 1831, and in the circumstances leading to the dissolution of Parliament in that year it was hardly possible for the Stirlingshire Whigs

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1. 'Wednesday 14th (April 1830)....The Separation of Venezuela appears fixed....It would appear that Admiral Fleeming who makes his H. Qrs. Caracas, has not been an idle spectator in this Drama. He is a singular personage, un piece timbre....'. Sir Robert Ker Porter Caracas Diary, edited and published by Walter Dupouy, Caracas, Venezuela, p.466; Salvador de Madariaga: Bolivar, p.615.
2. Scotsman, 24th June 1826.

to avoid opposing his re-election even if they had wished the alliance to continue. Accordingly Admiral Fleming agreed to come forward as a candidate.(1) The Admiral's prospects of success were greatly increased by the withdrawal of his most formidable rival, for Henry Home Drummond declined to oppose him. In his published letter to the freeholders Drummond explained his reasons for not opposing Fleming:

'Having been informed by Admiral Fleming....that he intended to offer himself as a Candidate.....I immediately resolved not to oppose an individual to whom I have been so much indebted for being placed during the last three Parliaments, in the same distinguished situation which he is now desirous to obtain. I hope this personal feeling may appear to you as it does to me a sufficient reason for my declining a contest with Admiral Fleming, notwithstanding that I differ from him in opinion, as to the measure of Reform lately brought forward by his Majesty's Ministers.....'.(2)

The election of 1831 was the shortest political campaign to take place in Stirlingshire between the Union and the Reform Bill. Henry Home Drummond did not learn that he was to be opposed by Admiral Fleming until the 23rd April, and he announced his decision not to contest the county on the 27th, while the election took place on the 11th May. Consequently active campaigning was limited to a period of two weeks. Admiral Fleming was a familiar figure in the county and had formerly represented Stirlingshire in Parliament. Since his promotion to flag rank he had been much more at home and had served as convener of the neighbouring county of Lanark. The new Tory candidate on the other hand was a young man who was

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1. Address to the Freeholders in Stirling Journal, 28th April 1831.
2. Henry Home Drummond to the Freeholders, 27th April 1831; Stirling Journal, 28th April 1831.

relatively unknown in the district, although he possessed a good estate there, William R. Ramsay of Barnton. In any election held at an earlier period with one candidate well known and respected and the other young and unknown, the result could have been predicted as a safe victory for the familiar candidate. On this occasion, however, it was the young unknown William Ramsay who was elected. Essentially there was only one question to be decided at this election, whether the Reform measure should be supported or not. Admiral Fleming was committed to support Grey's Bill, while Ramsay, notwithstanding his desire to 'support any measure calculated to amend defects in the constitution', was opposed to Reform.(1) The result of the election established that a majority of the freeholders of Stirlingshire agreed with Ramsay.

Admiral Fleming was given enthusiastic support by the general population of Stirlingshire, but there is at least a possibility that the enthusiasm of his Radical supporters may have done him more harm than good. The Stirling Journal, a newspaper favourable to parliamentary reform, strongly deprecated a move to hold a mass meeting and procession at Stirling on the day of the county election, warning its readers that:

'To those who know the machinery of county elections in Scotland, it must appear to be highly improper. The general impression which such persons will think it likely to convey is, that it is a covert attempt to intimidate the electors.....the bare suspicion of which would be detrimental to the cause of the reform candidate. We would not have presumed to state this on our own responsibility, had we not had reason to believe that Admiral Fleming is himself adverse to any such demonstration in his favour....'.(2)

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1. Edinburgh Evening Courant, 28th April 1831.
2. Glasgow Courier, 7th May 1831.

The promoters of the meeting, however, insisted on holding it at Stirling on the day of election, and refused to be intimidated by a proclamation issued by the Sheriff, in which he declared the procession to be an attempt 'to interfere with the Freeholders in the free exercise of their constitutional rights, as well as being illegal and seditious', and threatened to disperse the gathering by force should it be formed.(1)

Whether from fear of the mob or from other causes, such as friendship for Admiral Fleming combined with dislike of the Bill, many qualified voters did not appear at Stirling for the last election on the old franchise which took place on the 11th May 1831. Only 88 freeholders attended out of a total Roll of 132, and even after purging the Roll of the dead and the disqualified, 36 of the freeholders were absent.(2) The choice of a preses demonstrated that the Whigs, although commanding a good deal of support, could not carry the election; 45 freeholders voting for Charles Lennox Cumming Bruce of Roseisle, the Tory candidate for the office, and 38 for Sir Thomas Livingstone, the Whig candidate.(3)

The meeting itself was uncontroversial; three new freeholders were enrolled, two of whom, David Russell of Woodside, Lieutenant in the 7th Hussars, and Michael Rowand of Linthouse, Banker in Glasgow, were in the interest of William Ramsay, and the other Graham Speirs, advocate, in that of Admiral Fleming. Objections

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1. Proclamation of Ranald Macdonald of Staffa, Sheriff-Depute, in Stirling Journal, 26th May 1831.

2. Freeholders Minutes, 11th May 1831: SC67/59/8/170-5.

3. Freeholders Minutes: SC67/59/8/175.

were stated to Lieutenant Russell's right to a vote, but even if they had been successful they could have made no difference to the result, and the enactment of the Reform Bill made it certain that the objections would not be pursued.(1)

During the course of the meeting the candidates and several other freeholders spoke in general terms about the great question of the day, and the reasons they gave for their actions and the reports of the speeches give some indication of the attitudes of the two parties in this county. Admiral Fleming was proposed as member by the Honourable Colonel G.R.Abercromby, younger of Tullibody, the eldest son of Lord Abercromby, who stated unequivocally where the Admiral stood with regard to parliamentary reform, declaring:

'that in proportion as the wealth, intelligence, population, everything in short which constitutes a right to political privileges, have encreased in this country in the most astonishing manner within the last few years, in such proportion does my gallant friend feel a confident and well grounded conviction of the justice and propriety of conceding to the wishes of the country some large and salutary measure of reform. Not any such limited and contracted measure as we have lately heard hinted at, I think in some quarters for the first time.....but some such large, comprehensible, and I firmly believe, beneficial measure, as was lately proposed by his Majesty's Ministers to Parliament, with such alterations or improvements as might be beneficial, without touching on the great and broad principle of the bill. He was convinced that some such measure must ere long pass the legislature, and he thought the freeholders would be acting wisely if they seconded the wishes of government and the nation....'.(2)

Another freeholder, Sir Michael Bruce of Stenhouse, in seconding the nomination of Admiral Fleming, bluntly declared that 'the meeting was called on to decide whether they would acquiesce in the sentiments of

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1. Freeholders Minutes, 11th May 1831: S067/59/8/182-194.

2. Glasgow Chronicle , 13th May 1831.

'the great majority of their fellow subjects, or make a vain attempt to preserve rights which will assuredly at no distant day be taken from them'.(1)

The Stirlingshire Tories were more reticent, but William Ramsay of Barnton declared that if he were elected:

'he would go to Parliament unfettered and independent, determined to support what he considered most for the interests of the country. On the question of reform he would say that though friendly to a liberal, safe, and moderate reform, he was decidedly opposed to the Ministerial plan, as altogether too sweeping and irrevocable in its character....'.(1)

What a 'liberal, safe, and moderate reform' might be was not disclosed, but one is obliged to suspect that Colonel Abercromby was correct in his surmise 'that moderate reform, as it is called, would end in no reform'.(1)

Another gentleman who spoke at the meeting was the late member of parliament, Henry Home Drummond of Blair Drummond, whose sudden withdrawal had apparently not been well received by his fellow Tories, for they had been forced to find another candidate at short notice. Drummond was at pains to convince the meeting that although he had received the support of Admiral Fleming and his friends at the previous three elections, there had been no agreement between himself and the Whigs. The current rumour appears to have been that as a result of such a bargain Drummond had stood down to clear the field for Fleming. Drummond admitted that he had reason to feel grateful for the Admiral's friendship and that he had:

'at all times and under all circumstances received from him the most valuable and efficient support.....and have been all along

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1. Edinburgh Evening Courant, 12th May 1831.

'placed towards him in a situation in which I did not stand towards any other individual. As to pledge, to bargain, or agreement of any sort, there was none.....nothing of the sort.....'.(1)

Accordingly, when Drummond learned of the Admiral's intention to offer his services to the county, he did not feel that he could oppose him, or give his individual vote against him. On the other hand, as Drummond deplored the measures of the Whig Government, he could do nothing to assist Admiral Fleming and therefore could take no part in the contest. Admiral Fleming confirmed everything which Drummond had said, and insisted that 'although he and his friends had aided in the return of his honourable friend, no pledge of any kind existed; and he (Admiral Fleming) had never in any way interfered with his line of public conduct'.(2) There appears to be no reason to question Admiral Fleming's sincerity, for Drummond had been a good member of parliament who had proved acceptable to all interests in the county. Even The Scotsman had by 1831 revised its earlier poor opinion of Henry Home Drummond to the extent of remarking that he, 'though a Tory, was a man of good sense and business habits, and by no means illiberal'.(3) Drummond, for his part, although perhaps having too nice a conscience and sense of obligation to suit some of his fellow Tories at this critical juncture, was clearly sincere in his reluctance to oppose a man who had been so long associated with him in the management of the county. Certainly there is no evidence of a formal political pact, whereby Drummond was to retain the seat until Fleming was free to take it.

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1. Glasgow Chronicle, 13th May 1831.
2. Edinburgh Evening Courant, 12th May 1831.
3. Scotsman, 14th May 1831.

In spite of Sheriff Macdonald's proclamation, great numbers of Admiral Fleming's supporters flocked to Stirling on the day of election. During the course of the day, a crowd which was estimated at 10,000 marched in procession through the town with banners and music. The burgh magistrates had protested at the Sheriff's attempt to ban the procession, and the latter, fortunately for all concerned, made no attempt to disperse the crowd by force. No rioting took place, and in the opinion of one of the journalists present, the fact that the processions were not interrupted helped to keep the peace, for 'by these processions moving from place to place, up to four o'clock no dense masses of people had assembled at any particular spot'.(1) The processions, after moving through the principal streets of the burgh, returned to their starting point in the King's Park, below the Castle. The townspeople, however, as distinct from those from the countryside and the villages, remained in front of the Court House, and it was to this crowd that Admiral Fleming announced the result of the election and asked them to depart quietly. The Admiral was carried shoulder high, proceeded by a band, to his headquarters at Gibb's Inn, and after a short delay the crowd of townspeople dispersed. The reformers from the surrounding countryside and the industrial towns and villages were equally peaceable, for 'when the result of the election was announced to the multitude in the Park, they instantly rolled up their flags, and reversing the poles, left the field in profound silence'.(2)

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1. Edinburgh Evening Courant, 12th May 1831.
2. Edinburgh Evening Courant, 14th May 1831, quoting the Stirling Advertiser. There is also a good report of the processions at Stirling in the Glasgow Chronicle of 13th May 1831.

The Scotsman took it upon itself to criticize Admiral Fleming for coming forward at this election and thus excluding the efficient Henry Home Drummond from Parliament. The Scotsman did not welcome Drummond's replacement by the young William Ramsay of Barnton, who they alleged, was 'not remarkable for any thing but his skill in horse flesh, and passion for the turf'.(1) But the Scotsman was taken to task for these remarks by the Glasgow Chronicle, and with reason. The Glasgow journal pointed out that Drummond's very reputation for liberality was a threat to the Reform Bill, for he:

'under pretence of a small show of liberality, could have done infinite mischief to the Reform Bill by "modifications", the cant of the more dangerous, because the cunning enemies of Reform. It is just because Mr. Ramsay has no other skill than in "horse flesh" and the "turf" that he will not be listened to by Scotch or English...when he merely repeats the parrot rote of Lord William Graham and others, about "upholding, unimpaired, the institutions of the country".....'.(2)

Moreover, quite apart from the Glasgow Chronicle's arguments, there is no justification for the Scotsman's remarks, for the result of the election was in fact very creditable to the Stirlingshire Whigs. William Ramsay of Barnton was elected by a narrow majority of eight votes, 45 freeholders supporting him, against 37 who voted for Admiral Fleming.(3) Many influential freeholders, including the Vice-Lieutenant of the county, William Murray of Polmaise, the two sons and two brothers of Lord Dundas, the eldest son of Lord Abercromby, a son of the Earl of Dunmore, several baronets, and others of lesser rank but great local prestige, voted for Admiral Fleming and the Reform Bill. Altogether it was a very respectable performance

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1. Scotsman, 14th May 1831.

2. Glasgow Chronicle, 18th May 1831.

3. Freeholders Minutes, 11th May 1831: SC67/59/8/212-215.

by a party which had not carried a party candidate since the year 1807. The election showed the people of Stirlingshire that the gentry of their county were divided on the question of reform; had the Scotsman's advice been taken and Henry Home Drummond been permitted to continue as the county representative without any opposition it might have had serious consequences. However enlightened his views, it could hardly be denied that Drummond opposed parliamentary reform, and the people would justifiably have felt deserted by the Whig gentry. As it was, political developments were watched with the greatest interest in Stirlingshire, and as soon as a dissolution appeared likely Admiral Fleming resumed his campaign and was returned for the county in the first election on the new franchise. The fact that Admiral Fleming came forward in 1831 probably helped to keep down the political temperature in Stirlingshire and thus prevent the violence which took place in other areas. In the case of Stirlingshire the only symptom of violence was an assault on one of Mr. Ramsay's more unpopular supporters, who was pelted with mud as he walked down the street after the election.(1) On the other hand, the Tories found the burgh quite safe enough to allow them to hold an election dinner in one of the inns after the meeting, an action which in many other communities would have been certain to provoke a riot.(2)

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1. Scotsman, 14th May 1831.

2. Edinburgh Courant, 14th May 1831, quoting Stirling Advertiser.

(2) The Election of 1832.

The passage of the Reform Bill through Parliament was watched with the greatest interest in Stirlingshire as in other parts of the country. Popular interest manifested itself in the formation of Political Unions at Kilsyth and Bannockburn, the latter having almost eleven hundred members.(1) Both political parties in the county likewise watched developments in London with great interest, and long before the Bill had concluded its course through Parliament, the Stirlingshire Tories as well as the Whigs were actively canvassing the prospective voters, and after the Bill received the royal assent in June 1832 a prolonged and bitter battle took place in the county. (2)

The Stirlingshire constituency had been by no means one of the smallest in Scotland before the Reform Act; the last Roll of the Freeholders contained 128 names, a total which put Stirlingshire among the first dozen counties.(3) The Reform Act, however, made Stirlingshire the sixth largest county constituency in Scotland even after the town of Falkirk had been disjoined from the county and added to a new District of Burghs.(4) At the beginning of the 1832 campaign the size of the electorate was of course a matter for conjecture, since this could only emerge during the course of the campaign as the claims of potential voters were accepted or

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1. Stirling Journal, 1st August 1831 and 19th April 1832.
2. John Baird to William Forbes, W.S., 11th February 1832: Callendar. GD171/43.
3. Freeholders Minutes, 4th October 1831: SC67/59/8/236.
4. Glasgow Courier, 8th January 1833: (Stirlingshire was exceeded by the counties of Perth, Ayr, Lanark, Aberdeen and Fife.)

rejected. Nevertheless, the existence of numerous industrial villages, substantial tenanted farms, and a considerable number of small proprietors, ensured that the attention of the politicians would be concentrated on the new voters rather than the existing freeholders.

Vice-Admiral Charles Fleming continued into the campaign of 1832 as the candidate of the Stirlingshire Whigs, but the Tories hesitated to name their man for some considerable time. Naturally the choice of a Tory candidate was a matter of some delicacy, for it would have been a futile gesture for William Ramsay of Barnton, who had opposed the Second Reading of the Reform Bill, to have sought the support of the new voters. Accordingly another candidate, William Forbes of Callendar, made a tour of the county during the month of July 1832 after a preliminary canvass designed to try his interest.(1) Ramsay formally declared that he would not again contest the county on the 19th July, although he had notified those freeholders who had supported him in 1831 some weeks earlier.(2)

From the outset Admiral Fleming enjoyed the great advantage of being associated in the public mind with the Reform Act. Accordingly the Admiral concentrated in his initial address on the Act, and obviously hoped that the new voters would show their gratitude:

'I have been so long and intimately connected with the County of Stirling' that a declaration of my sentiments may seem almost superfluous', he wrote. 'They are known, and my past conduct under all the thralldom which we have so long endured, is the best

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1. William Forbes address: Edinburgh Evening Courant, 23rd July 1832.
2. William Ramsay's address: Edinburgh Evening Courant, 21st July 1832.

'guarantee for what it will be in the future.....If I have ever been found separated from the great cause which has now triumphed, reject me. If, on the contrary, you have found me constantly advocating the full, fair, and free representation of the people, an enemy to corruption and profuse expenditure of the public money, opposed to all monopolies, to grinding and unequal taxation, to gagging acts, and continuance of slavery, then I may confidently hope for the honour of your suffrages.....'.(1)

Admiral Fleming therefore started his campaign with a popular and effective platform, and in his speeches he did not hesitate to expand and elaborate upon his views of public affairs. Anyone who promised his vote to Admiral Fleming knew exactly where he stood on the leading questions of the day. 'He was for triennial Parliaments, a revision of the corn laws, the sale of church patronage, the abolition of slavery, the destruction of monopoly, and for vote by ballot, after what he had witnessed in his canvass for the county'.(2)

William Forbes of Callendar, on the other hand, could not afford to be so candid if he was to have any hope of success, and his manifesto, prepared in conjunction with the former representative Henry Home Drummond,(3) is an example of a political document which says nothing in a great many words. Forbes promised the electors that they might:

'rely on the most unremitting attention being paid by me to all the Parliamentary business of the County.

'The stake I have in Stirlingshire makes it my interest, as well as my duty, to attend sedulously to its welfare.

'In considering the great questions which will probably come before the new Parliament, I shall be guided entirely by what I conceive best calculated to promote the prosperity and happiness of the

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1. Edinburgh Courant, 21st July 1832.

2. Scottish Guardian, 17th August 1832.

3. A copy of the address amended by Henry Home Drummond is in Forbes of Callendar Manuscripts GD171/43.

'country at large; and as I am independent of connection with party, I shall never suffer my views of the public good to be warped by party feeling.

'I believe that the agricultural and manufacturing interests are so closely connected, that any thing which tends to injure the one, must of necessity be hurtful to the other, and I shall do all in my power to promote the best interest of both...'.(1)

Forbes thus said nothing about his views on any subject, and in spite of his vaunted independence of party he had supported Ramsay in 1831, and he was to be one of the leading figures among the Stirlingshire Conservatives for the rest of his life. Admiral Fleming, however, took steps to give the voters a truer picture of William Forbes politics than he was himself prepared to give. 'His opponent, Mr. Forbes, he remarked, had stated that he was of no party, but he (the admiral) would not say so.....Mr. Forbes also belonged to a party, as was proved by his voting for Mr. Ramsay at last election in yonder dirty hole (pointing to the Court-house of Stirling).....'.(2)

The proximity of the county to the city of Glasgow had always induced a number of merchants of that city to settle in Stirlingshire. Many Glasgow men were deeply involved in West Indian affairs, both as merchants and plantation owners, and consequently the repeated denunciations of slavery which Admiral Fleming made during the course of his campaign, ensured that the Stirlingshire members of the West Indian interest would be active in the interest of William Forbes. 'Compensation and protection to the West Indian Colonists is all the pledge I ask', wrote one planter in answer to

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1. Edinburgh Courant, 23rd July 1832.

2. Admiral Fleming's speech at Cambusbarron: Scottish Guardian, 7th August 1832, quoting Stirling Advertiser.

a letter from Forbes, 'and if your views are friendly to that cause, you may calculate on my support and interest'.(1) Another plantation owner, Mr. Blackburn of Killearn, was prepared to go to the length of threatening the feuars on the estate of Killearn with the forfeiture of their tack rights, and declared that he would pull their houses down about their ears if they dared to vote for Admiral Fleming.(2)

But however useful the support of the slave owners might be, this obviously was not a cause which was likely to win any popular support for Forbes. The Corn Laws, on the other hand, appeared to be a much more useful issue. William Forbes had avoided making any public declaration of his own views on the subject of the Corn Laws, as his manifesto amply demonstrates, but he did not hesitate to attack the Admiral for his statements at public meetings. Early in September 1832, Admiral Fleming wrote to William Forbes to complain that the latter had stated that he had pledged himself at a public meeting to support the total abolition of the Corn Laws, which the Admiral strongly denied.(3) Admiral Fleming was alleged to have stated in the course of a meeting in the town of Kilsyth, 'that he would endeavour to do away with the Corn Laws, & use every influence in his power to that effect'.(4) If this statement could be clearly verified then obviously William Forbes of Callendar stood to gain

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1. John McInnes to William Forbes of Callendar, 16 July 1832. Callendar. GD171/43.
2. Stirling Journal, 6th September 1832.
3. Admiral Fleming to William Forbes of Callendar, 5 September 1832: Edinburgh Courant, 4th October 1832.
4. Thomas Wilson, writer in Kilsyth, to Messrs. Russel & Aitken, writers in Falkirk, 6 September 1832: GD171/43.

many of the votes of the agricultural part of the constituency, and Forbes had in any case no hope of securing much support among the radical villagers who opposed the Corn Laws. Admiral Fleming was too honest for his own safety, which is a serious fault in a politician. Undoubtedly he would have been wiser to have refrained from complaining to William Forbes, and simply to have told any interested farmer that he had not made the statement. The declaration on the Corn Laws, whatever it was, had been made in answer to an oral question, and it would have been better to have avoided committing himself to paper on this vexed question. Even Admiral Fleming's enemies had difficulty in ascertaining exactly what he had said, and it would have been better to have left them in that situation. According to one of William Forbes informants:

'he recollects of the question being put to Admiral Fleming about the Repeal of the Corn Laws, which was, he thinks, rather in the shape of a demand than a question, and the Answer of the Admiral was, that he wanted the Corn Laws done away with to the effect of procuring a free grain trade, and it is Mr. Ingles impression that the Admiral added, he would use his influence to repeal them. Mr. Ingles, like the others we have seen cannot swear to, or be certain of the exact words used, but it is his firm conviction that that was the Admiral's meaning.....I know that the question, or rather the demands were framed by a great advocate for the Repeal of the Corn Laws, viz. John Kennedy, Schoolmaster, Chapelgreen in this Parish, and I have little doubt that the question on this point would be answered so as to meet his, and the popular views....'.(1)

Nevertheless, nothing could be gleaned from this report to discredit Admiral Fleming with the farmers, for only sworn statements by reputable witnesses would suffice for that purpose. When Forbes's agent in Kilsyth eventually found a more reliable witness, Mr. Salmon,

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1. Thomas Wilson, writer in Kilsyth, to William Forbes of Callendar, 9th September 1832: GD171/43.

the parochial schoolmaster of Kilsyth, the charge was shown to be unfounded. According to Salmon:

'eight questions were put to the Admiral at Kilsyth, one of which was "would he support in the House of Commons a revision of the Corn Laws". The answer to this question was that he would support a Revision of the Corn Laws with all his power, as he considered the present Corn Laws neither for the advantage of Grower or Consumer.....Mr.Salmon also says.....the questions put at Kilsyth were prepared by the Committee of the Kilsyth Political Union, and that what they meant by a revision, or by the words of the question was a total abolition of all restrictions upon the importation of Corn, and That the impression upon the minds of the meeting was that the Admiral had fully pledged himself to that amount. Mr.Salmon is quite convinced of this from his subsequent conversation with many individuals on this subject although he says he by no means conceived that the question either implied, or that the Admiral pledged himself to the total abolition of the Corn Laws. He also says that the Admiral's answer was very ambiguous, and he is certain it left an impression upon the minds of those present, which the exact words did not warrant.....'.(1)

Politicians thrive on ambiguity, and Admiral Fleming would have been well advised to have let Forbes say what he liked. The members of the committee of the Kilsyth Political Union, and the questioners at later meetings at Balfron and Auchendavie, had been satisfied by the ambiguous reply,(1) and Admiral Fleming was left free to state honestly that he was not pledged to work for the repeal of the Corn Laws, he did not need William Forbes of Callendar's endorsement. Forbes naturally made no difficulty about acknowledging his error in view of the evidence which his agents had been able to obtain, but he did not share the Admiral's view that there was 'no advantage in publishing our correspondence, or any thing relative to it'.(2) Forbes promptly sent copies of all the correspondence which had

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1. 'Notes of enquiry at Mr.Salmon regarding the Admiral's pledges'. Callendar. GD171/43.

2. Admiral Fleming to William Forbes of Callendar, 13 September 1832: Edinburgh Courant, 4th October 1832.

passed between Admiral Fleming and himself to the two Stirling newspapers, from where they were copied by the Edinburgh and Glasgow journals.(1) If Forbes had been unable to obtain evidence to use among the farmers, Admiral Fleming had provided him with material which would be of use in the industrial villages. Forbes had no illusion that he could win any support from the Radicals, but if the opponents of the Corn Laws could be persuaded that the Admiral had misled them, they might abstain from claiming enrolment, and in the published correspondence there was no mention of the Admiral's actual answer, or of the words of the question, there was simply a blunt statement that Fleming was not pledged to support the abolition of the Corn Laws.

In spite of such errors by Admiral Fleming, William Forbes had a difficult task. His whole plan of campaign was, and could only be, to confuse the new voters. An anonymous elector gave an unflattering but accurate account of the political situation in Stirlingshire, and the methods employed by Forbes and his friends, in a letter to the editor of the Stirling Journal, in which he warned the voters to beware of Forbes 'the wily fox'.

'Is there any doubt.....which of the two candidates should be your choice', he asked. 'The one who has for years past taken an active, and whenever the opportunity occurred, a conspicuous part in the good fight for the regeneration of the country. Or the one who gladly seized the only opportunity ever offered him, to lift his feeble voice against your rights and liberties, but who, now that you have gained them in spite of him, politely comes forward and solicits as a high honour what he strained every nerve to withhold from you.....a voice in the representation of your country.....'.(2)

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1. William Forbes to Admiral Fleming, 17 September 1832:
Edinburgh Courant, 4th October 1832.
2. Stirling Journal, 9th August 1832.

The writer pointed out that Forbes had declined to give any indication of his own political views, or of what his conception of the happiness and prosperity of the country might be.

If the sworn statements of some of the electors are to be relied upon, Forbes fell back on some pretty desperate expedients to gain votes. When, for example, the Forbes party called upon Thomas Chambers, farmer of West Boreland, he told them that he had already promised his vote to Admiral Fleming:

'Mr. Forbes said things would go all wrong if Admiral Fleming got in, and the farmers would be ruined. That not being able to get the declarant to vote for him, Mr. Forbes endeavoured to persuade declarant to stay at home upon the day of election, by holding out the great depth of snow that might be upon the ground....the great length of time that he might require to stay in Stirlingten hours.....the probability of his horse tramping upon him.....getting cold.....returning home, and lying two or three weeksand then he would be wishing the Admiral to the Devil. Mr. Forbes then turned to declarant's daughter, mistaking her for declarant's wife, and requested her to use her influence to get her husband to turn....'.(1)

In conversation with George Leishman, shoemaker in Denny, Forbes brought up the subject of the threatened war with the Netherlands, declaring 'that it was a bad thing for the present Ministry to go to war with the Dutch, from whom we had received our liberty'.(1) This was not a question as remote from the thoughts of a Denny shoemaker as might be imagined, for it was a very live issue in the Burghs elections in this area, and it was probably a familiar topic of conversation. Mr. Forbes went on to offer to state his political principles to Leishman, and insisted that he was now a reformer, but the shoemaker was not impressed, being more concerned with the fact

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1. Stirling Journal, 29th November 1832. (The letters were printed in order to establish that Forbes was in the area on the day in question).

that Forbes had allowed his agents to object to Leishman's claim for enrolment.(1) William Forbes appears to have had rather an easy attitude to political engagements, for according to another voter, Robert Gilchrist, smith at Stripside, when he told Forbes that his vote was already promised to Admiral Fleming:

'Mr. Forbes said, that was nothing, as he, the declarant, could turn till the day of election, but if he would not, to stay at home that day, and caught hold of the declarant's hand, and repeatedly urged him, saying "give me your hand that you wont be against me that day", but the declarant still refused'.(1)

Obviously that kind of activity was not likely to gain many votes and has an air of desperation about it. Forbes was undoubtedly hampered by the fact that Admiral Fleming had been over the ground first. As early as February 1832, a correspondent in Stirlingshire had informed the Edinburgh agent of William Forbes of Callendar that:

'It is much to be regretted that Mr. Forbes of Callander had not determined sooner to stand for the County as I find on enquiry yesterday that many have engaged themselves to vote for Admiral Fleming 8 or 10 days ago.....whom I have no doubt could have been got for Mr. Forbes if he had declared his intentions to me when I met him at your office.....'.(2)

To have embarked on an expensive canvass without some hope of success would have been the action of a fool, and Forbes unquestionably looked for support from the landed interest, which explains his concern with Admiral Fleming's statements on the subject of the Corn Laws. Many Stirlingshire gentlemen were Tories, and their influence with their tenants might be utilised to build up support for Forbes.

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1. Stirling Journal, 29th November 1832.

2. John Baird to William Forbes, W.S., 11 February 1832: GD171/43.

Forbes was also prepared to make the financial sacrifices which were necessary in order to make up some of the ground lost by his late start. A Glasgow lawyer, John Campbell Douglas, was appointed principal election agent with authority to name subordinates, and some ten or twelve sub-agents appear to have been employed.(1) In addition to the paid agents, the services of the lawyers and factors of other Tory gentlemen might be obtained without charge to the candidate.

Whereas an important part of Admiral Fleming's campaign consisted of speeches made at public meetings throughout the county, William Forbes and his agents favoured the personal approach, which his reluctance to say where he stood politically on any question made essential. The attitude of the Tory proprietors varied from outright dictation to their tenants, to leaving them quite free to vote according to their own wishes. Naturally proprietors of the latter type produced some problems for the Forbes machine. One of the greatest landowners in Stirlingshire, Sir Archibald Edmondstone of Duntreath, although a Tory, adopted the most honourable course and ordered that his tenants should be left to themselves, although he instructed his factor, Mr. McLaren, to assist William Forbes in any way he could short of putting pressure on the tenants. Unfortunately McLaren appears to have been a Whig, for as William Forbes was advised, he:

'would not accompany our Agent thro' the Kilsyth Tenantry, altho he admitted that he had received a letter from Sir Archibald,

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1. John Campbell Douglas to William Forbes of Callendar, 16 July 1832. Douglas's account for political services names most of the agents. Callendar. GD171/43.

'intimating that he was to support you. It seems Sir Archibald's orders were that the Tenants should be left to themselves; and I suspect that McLaren is unfriendly to you, and means to make his instructions his excuse for doing nothing for you....'.(1)

The attitude of a factor could be of decisive importance in the new political situation, quite apart from the question of whether or not he was prepared to lean on the tenants. The agents of William Forbes were confident that they could persuade most of the Kilsyth tenants to vote for him:

'if they qualify in time. The danger lies here, and I think you should immediately write to Sir Archibald, intimating that altho you understand that he means to leave his Tenants to themselves, you entreat that he will put them in a situation to support you if they choose, by ordering that they should be immediately qualified, or that his Factor should furnish your Agents with the leases etc. for that purpose. This latter alternative should be urged very delicately; but it is the only way to make sure work.....'.(1)

Few tenants possessed the necessary documents to establish their right to a vote, and without the assistance of the landowners and their factors these could not be obtained during the course of the campaign. In Stirlingshire 'the Sheriffs had resolved not to sustain any writings or missives of Sett except legal Tacks on Stamped paper,' and it had never been the general practice to lease farms in this way.(2) The chief assistance to be expected from landowners and factors, however, was a direct approach to their tenants. Many of the new voters were only too ready to oblige their landlords, and were quite happy to promise their votes to William Forbes. James Ewing, a farmer in the parish of St.Ninian's, for example, was

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1. John Campbell Douglas to William Forbes of Callendar, 19 July 1832: Callendar. GD171/43.

2. Andrew Hutton, writer in Stirling, to Thomas Graham Stirling of Airth, 17 July 1832: Airth MSS. Acc.3012/xxxvii/F 9. NLS.

ready to vote for Forbes 'provided the Duke of Montrose goes with you he being a tenant'.(1) Election agents did not set foot on an estate uninvited in 1832, or without seeking the permission of the proprietor. Many old ideas survived the Reform Act as can be seen in the report of a Stirling writer who canvassed for William Forbes:

'I called at Sauchie House yesterday but Mr. Ramsay (of Barnton) had gone to Edinb.....Mrs Ramsay however said she believed Mr. Ramsay would have no objections to my calling on his tenants to support Mr. Forbes, and so far as I could go in the afternoon I was glad to find so kindly a feeling prevailing amongst all the tenants, & even some of the small Proprietors in Mr. Ramsay's neighbourhood. He is to be at home this evening & Mrs Ramsay said he would write me tomorrow morning, when I can go with more confidence amongst his people.....'.(1)

But if many proprietors were patriarchal in their attitude to their estates and all who lived upon them, few were prepared to resort to threats in order to compel obedience. Mr. Blackburn of Killearn was undoubtedly the exception in Stirlingshire, and a Whig freeholder probably spoke for most of the Stirlingshire gentry, Tory as well as Whig, when he condemned Blackburn's conduct 'and alluded to Mr. Blackburn being an extensive owner of Black slaves in the West Indies, but thought that it was really too much to arrogate to himself the right of holding White slaves in Killearn'.(2) Nevertheless, Blackburn's rough methods got results, for when William Jolly, the agent for Forbes in western Stirlingshire, 'called for 36 voters in Killearn & Drymen parishes, I found one pledged to the Admiral, six doubtful and the remainder I reckon sure votes'.(3)

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1. John Graham of Myothill to William Forbes of Callendar, 17 July 1832: Callendar. GD171/43.
2. Stirling Journal, _ 6th September 1832.
3. William Jolly, W.S., to William Forbes of Callendar, 19 July 1832: GD171/43.

In this election interference with the tenantry was a vice of the Tory proprietors, for most of the landowners who had favoured the Reform Bill felt constrained to enter into the spirit of the legislation, and announced publicly that they had no intention of putting any pressure on their tenants. This they could well afford to do, for most of the new voters would be only too glad to show their gratitude for their votes in the appropriate way. But even if the Whig gentry had less to lose politically than had the Tories if the tenants were left to their own devices, this does not detract from the admirable liberalism of their statements to their dependants. A Whig gentleman, Sir Michael Bruce of Stenhouse and Scotstown, informed his people that:

'I wish it understood on the Stenhouse estate, that as landlord, I shall not interfere with any tenant or feuar's vote, and shall never manifest any ill will to them on that account. I request you will make these my sentiments upon this subject generally known in the neighbourhood at your convenience....'.(1)

There were degrees of political interference with the tenantry. Sir Michael Bruce completely renounced any attempt to influence the tenants on his estate, and in particular gave no indication of his own intentions. Other landowners, while professing equally liberal sentiments, were really less scrupulous. A Tory laird, Moir of Leckie, while taking superficially the same position as the Laird of Stenhouse, in reality left his tenants in no doubt about his wishes. Mr. Moir insisted that:

'he had used only such influence in the election, as he was entitled to exercise legally and in accordance with justicehe had simply told his tenantry for whom he would vote

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1. Bruce's letter is quoted in another letter signed "A Farmer, near Carron", dated 24th July 1832, printed in the Stirling Journal, 26th July 1832.

'and left them at full liberty to act according to their conscience; and intimated, at the same time, that for whomsoever they might vote, that circumstance would not, in the slightest degree, have any influence on his conduct towards them. The consequence, however, was, that the whole of his tenantry followed him to the poll and voted for Mr. Forbes of Callendar'.(1)

Mr. Ramsay of Barnton had found much support from Moir of Leckie in 1831, and the latter had been a determined and outspoken opponent of parliamentary reform. Is it conceivable that every tenant on the estate of Leckie opposed the Act which had given them votes ? Without undue cynicism it is not difficult to see a simple explanation; probably the tenants doubted the Laird's sincerity when he declared that they were free to vote as they chose after he had taken the trouble to call upon them in order to inform them of his own voting intentions.

During his tours of the county the Admiral frequently repeated the charge that some of the proprietors who opposed him were using undue influence with their tenants, and called for the introduction of the ballot. Typical of many declarations on the subject was the statement which he made during the course of his speech at the Reform Jubilee in the King's Park at Stirling on the 13th August, when Fleming informed the meeting that:

'with regard to the ballot, he was formerly opposed to it as being an unmanly mode of voting; but from the undue influence which he had seen exercised during his present canvass, he believed that what was called manly voting would subject many an honest man to the vindictive lash of their landlords, and therefore he had changed his opinion, and should vote for the ballot...'.(2)

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1. Report of Mr. Moir's speech at the Conservative Dinner in Glasgow on the 11th February 1833: Glasgow Courier, 14th February 1833.
2. Scotsman, 11th August 1832.

On the other hand, the majority of the Stirlingshire Tories took the honourable course and left their tenants to make up their own minds, for this was admitted by Admiral Fleming himself after the contest was over. In his post-election address, the Admiral declared:

'I have much gratification in acknowledging, that the great proportion of those Landlords among our Constituency, who had been politically opposed to myself, have refrained from exercising an unconstitutional control over the opinions or acts of their respective tenantry.....'.(1)

It would appear from the Whig accounts that factors were sometimes more active for William Forbes than were the Tory lairds. According to a newspaper account, at least one factor deliberately ignored his employer's opinions, for the latter:

'an extensive proprietor who has all along supported the Reform Bill, had certainly caused it to be announced to his tenants that they are at perfect liberty to vote as they please, while his Tory factor is under the rose, endeavouring to persuade them to vote against their own consciences, which are, with one exception, in favour of Admiral Fleming.....'.(2)

Quite early in the contest it became apparent to Forbes and his friends, that in spite of the services of paid agents, Tory lairds, and factors, Admiral Fleming was making a greater impact on the voters. The campaigning methods adopted by the two candidates were diametrically opposed, for while Forbes, as a Whig newspaper put it, 'wends his silent, but undisturbed way, through the county, under the auspices of feed agents and baron bailiffs', (3) Fleming

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1. Scotsman, 29th December 1832.
2. Stirling Journal, 26th July 1832.
3. Scotsman, 28th July 1832.

passed from one enormous meeting to another, and attendance at one of these gatherings was estimated at between 10,000 and 12,000 people.(1)

Captain Charles Stirling, a Tory gentleman, insisted that many more farmers would have supported William Forbes 'if unfair means had not been used'.(2) Stirling alleged that '19 out of every 20 would have been found in favour of Mr. Forbes; but they were pelted and intimidated into a course which they did not approve of'.(2) While the Captain was certainly exaggerating the extent of Forbes support among the farmers, there is, equally, no reason to doubt that many tenants were intimidated by the enthusiasm shown for Admiral Fleming in the villages. The tenantry, in the absence of the ballot, were subject to conflicting pressures, on the one hand from factors and proprietors, and on the other hand, if they lived in the vicinity of one of the industrial villages, from public opinion, which might pass from verbal threats to deeds. In a story published in a Tory newspaper, a farmer living near one of the radical villages was so pestered for his vote that he resolved to abstain. The radicals, according to the newspaper report, were dissatisfied with this response and set fire to his stack-yard one night as a warning of what he might expect if he did not turn out on the day of the election. The farmer did turn out, but dumbfounded all the radicals by voting for Forbes.(3) There is nothing inherently improbable in this story, for misguided enthusiasts may well have tried to win

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1. Scotsman, 28th July 1832.
2. Speech at a Conservative Dinner at Glasgow: Glasgow Courier, 14th February 1833.
3. Glasgow Courier, 15th January 1833.

votes by such methods, but the story is completely unconfirmed and was reported in general terms without naming the farmer or even the locality where the incident was said to have taken place. Stack yards frequently burn down at the present day, when most grain farms are within reach of the services of a professional fire service, and it is clear that serious fires must have been much more common in 1832 when no such assistance was available. During this election campaign, if one may judge from newspaper accounts, the Tories seem to have seen anarchists lurking behind every hedge, and there appears to have been a remarkable shortage of accidental fires. Nevertheless, the very fact that such rumours were current during the campaign may have had the effect of intimidating potential Tories, even if most of the acts of arson reported in the Stirling press were alleged to have taken place in Perthshire. Whatever the reason, Admiral Fleming was well supported by the landed interest of Stirlingshire, and he was at pains to point out in a speech at Airdrie in October 1832, that 'the tenantry so far from being under the influence of the landowners, are almost all voting in opposition to their wishes'.⁽¹⁾ Admiral Fleming was grossly exaggerating the strength of his position, as was usual on such occasions, but he certainly gained the support of part of the tenantry of the Tory proprietors.

An essential part of the Tory campaign was a systematic attempt to denigrate Admiral Fleming as a candidate worthy of support, together with persistent misrepresentation of his opinions on the

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1. Scottish Guardian, 19th October 1832.

question of the Corn Laws. This took the form of a whispering campaign; rumours were industriously spread throughout the countryside, but nothing appeared in print for all the charges could easily be disproved. In a bid to destroy their effect, these rumours were listed in the Stirling Journal, a newspaper friendly to Admiral Fleming, and they are worth quoting at length as an example of a method of electioneering which had a long life ahead of it:

- '1st, Whether some of the friends of Mr. Forbes did not, after it was well known that Admiral Fleming intended offering himself for the County, but previous to his addressing the electors, state that he had no intention of doing so, but that he was going to stand for the county of Lanark ?
- '2d, That if he did come forward under such circumstances, the object of his canvass would be merely to secure the votes of the electors, and then hand over the county either to a brother of Lord Dundas, or to a son of the Earl of Dunmore.
- '3d, Was not the calumny then bruited abroad, that Admiral Fleming was not qualified to represent Stirlingshire, because he had no property in the county ?
- '4th, Is not that statement altogether unfounded ? That such rumours were afloat is undeniable.....that they could not be propagated and circulated by Admiral Fleming's friends is perfectly obvious.....that they were invented by his political opponents is perfectly probable.....
- '5th, Has not more than one canvasser misrepresented the opinions of Admiral Fleming as to the corn laws ?
- '6th, Have not such individuals held him up as an enemy to the landed interest ?
- '7th, Have they not said, that he wished these laws to be abrogated ?
- '8th, Have not several electors been told that if Admiral Fleming was returned corn would be lowered to 8s., and wheat to 10s. a boll ? besides such other monstrosities, as that no man should go to work for less than half-a-crown a day ?.....'.(1)

The electioneering methods of the Admiral's supporters were also open to attack, however, for sharp practice and intimidation was not a monopoly of the Tory party. Admiral Fleming's canvassers, for example, attempted to secure pledges from voters residing in the more

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remote parts of the county early in the contest, by pretending that Fleming was the only candidate. A gentleman of western Stirlingshire, Mr. Graham of Strommacnair, was reported to have been approached by a canvasser while on a visit to Stirling, 'and informed that there was no one in the field but the Admiral on which condition he pledged himself'. (1) Accordingly, in order to make William Forbes of Callendar known to the voters and prevent premature pledges, copies of his address were printed and widely distributed throughout the county. Many addresses were handed to the voters by canvassers, but others were sent by post. Now, at that period it was one of the peculiarities of the postal service that the postal charges were paid by the recipient of a letter, not by the sender, and there must be some doubt whether many voters appreciated such communications. However, when the Admiral's friends in Kilsyth learned of a proposed distribution of addresses in favour of Forbes, they took steps to prevent it, as the Postmaster of Kilsyth indignantly relates:

'This day my Letter Carrier proceeded through the whole East Barony, with your Letters for Mr. Forbes interest and along the West Barony to the wonderful Mr. Kennedy, which cost much travel. And I must say that there was none of the Letters taken. The honorable Dr. Storry and another Man went before the Letter Carrier and apprised them of the letters coming. This was certainly most officious, and the lowest trick that could be done to the runner I think there is at least 2/6 lost to the letter Carrier by this most indecent piece of business.....'. (2)

The Tory, or 'Independent', candidate also alleged that the voters were intimidated by the supporters of his rival. The

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1. William Jolly, W.S. to William Forbes of Callendar, 22 July 1832: Callendar. GD171/43.
2. Matthew Stevenson, postmaster at Kilsyth, to Mr. Adam, (agent) 8 September 1832: GD171/43

unconfirmed stories of arson which appeared in the newspapers have already been discussed, but how far such accounts can be believed in the absence of corroboration is uncertain.(1) Undoubtedly some farmers who might have been persuaded to vote for the Tory candidate would be intimidated by the crowds who gathered to hear the Admiral speak, and would hesitate to identify themselves with his opponent, but there is no real evidence from this county to substantiate the allegations that violence went further than mere talk. Nevertheless there can be no doubt that intimidation did occur, for in a letter to his employer the principal agent of the Tory candidate reported:

'I have had bad accounts from Strathblane. The Tenantry there are so much alarmed, that they will not enrolle.

'Fleming knows that his only chance of success is by means of intimidation, and he does not spare it. Last night there was a great meeting at Milngavie, at which Fleming hurangued from hustings on which Mrs Dunlop of Clobar and some other Ladies were. We must fall upon some means of inspiring confidence into the Tenantry.....'.(2)

By early September, however, the Tory candidate appeared to be making progress, on the evidence of his cousin and namesake, William Forbes, an Edinburgh lawyer. 'I am glad to hear you find brighter prospects in your progress', he remarked to his cousin, 'In the course of time many will take the right view of things for you'.(3) By then the initial canvassing had been completed, and the attention of the candidates was focussed on the question of the enrolment of the new voters.

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1. Glasgow Courier, 15th January 1833.
2. John Campbell Douglas to William Forbes of Callendar, 8 August 1832
Calendar. GD171/43.
3. William Forbes, W.S., to William Forbes of Callendar, 11 September 1832: GD171/43.

Nothing demonstrates more clearly the essential difference in political technique between the two parties in Stirlingshire than their respective methods of dealing with the registration of voters. The Tory machine, financed by William Forbes, was highly professional and efficient, while Admiral Fleming and the Stirlingshire Whigs relied entirely on the popular enthusiasm for Reform to carry them through. The Tories had paid agents in every district of Stirlingshire to canvass and organise the potential voters, but there is no evidence of any Whig organisation of a similar kind. Such a machine was essential for William Forbes if he was to make any impression on the electorate, but Admiral Fleming obviously considered that public meetings were sufficient. The local agents of the Whig candidate were the office bearers of the Political Unions, and, more importantly, a group of Whig gentlemen, and they in fact appear to have been reasonably effective as canvassers. On the other hand, canvassing was only the first stage on the way to the poll, for the new voters still had to be registered, and it was here that the Whig organisation fell down, and that of the Tories came into its own.

At the end of August, the leading Conservative political agents decided to hold a general meeting of the district agents at Stirling, which took place on the 1st September. William Forbes was advised that the purpose of the meeting was:

'then and there to settle what claimants should be objected to, and to adjust the objections. Mr. Robertson proposed to be present, and thought you should be there too if possible, so as to prevent an objection being sent to any claimant you might wish to pass over, or to any whom you had reason to expect would be favorable tho not yet declared.....'.(1)

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1. William Forbes, W.S., to William Forbes of Callendar,
27 August 1832: Callendar. GD171/43.

Each agent was required to appear at Stirling with lists of all the claimants in his district, distinguishing those pledged to Forbes, those known to be pledged to Fleming, and those who were still uncommitted. They were also to bring the title deeds upon which the Forbes voters were to claim, the tacks and rental books, and all other evidence which might be available, together with schedules of objections, which were to be obtained from the parochial schoolmasters.(1) Armed with this information the lawyer who was to appear for Forbes in the registration courts was able to plan his tactics in association with his colleagues.

Immediately after the Reform Bill Admiral Fleming had been in an unassailable position, but by August 1832 the efforts of the Conservatives were gradually eroding it. One Tory agent had such success among the small lairds of the parish of Baldernock, that it was estimated that few of those who had signed the requisition asking Admiral Fleming to stand would still poll for him.(2) But it was not Conservative policy to press potential voters very hard in order to persuade them to change sides, for obviously if this could be done once it might be done again whenever a persuasive Whig appeared. Their policy was to try to prevent the registration of claimants pledged to Admiral Fleming, and those who had wavered:

'Some of them have promised to vote for you', John Campbell Douglas reported to his employer, 'But I think it would scarcely be prudent to enroll them, when we know that they have previously promised to Fleming. My own opinion, upon which I shall act if I do not hear from you to the contrary is, that they should not be

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1. William Forbes, W.S., to William Forbes of Callendar, 27 August 1832: Callendar. GD171/43.
2. John Campbell Douglas to William Forbes of Callendar, 8 August 1832: GD171/43.

'enrolled. Of course we shall enroll those who have promised for you, and were under no previous promise to your opponent...'.(1)

Conservative methods in the Balfour district are neatly summarised in the account submitted after the election by John Fairlie, the agent in that area:

'Sept.22, Engaged wholly from the 11th till this date among the claimants in Balfour and Killearn Parishes endeavouring to persuade those who had bad or doubtful claims to vote for us in the event of the objections being withdrawn, and those whose claims were good to vote for us, at least not to vote against us.....

'Sept.24, Going to Glasgow Meeting Mr.Douglas, Mr.Adam & Mr. Ferguson, informing them how matters were going on generally, & receiving their instructions to cut down the vote of every person I could, & not to trust to thin promises in case of being deceived.....'.(2)

Conservative policy therefore was to keep the electorate as small as possible, and to this end great numbers of objections were lodged against the rights of claimants. In preparing their objections the friends of William Forbes were assisted by informers, who advised them where to look for errors in claims. One of these informers, John McCleery, insisted on transacting his business directly with Forbes, because he lived in Stenhousemuir 'among a population of almost the worst description, Radicals, Man, Woman, & child of them. Were it known that I give this information, they to a certainty would injure me in one Shape or other....'.(3) Accordingly he wrote to Forbes himself rather than to one of the agents, because he considered himself 'safer in the hands of a gentleman than any Lawyer however respectable he may be'.(3) Without the assistance of such men

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1. John Campbell Douglas to William Forbes, 8 August 1832:GD171/43.
2. Account for political services submitted by John Fairlie, writer in Balfour, no date. Callendar. GD171/43.
3. John McCleery to William Forbes of Callendar, 27 August 1832: GD171/43.

it would have been difficult to find grounds to frame objections in the time available.

There is some reason to believe that William Forbes gained an appreciable number of votes between the end of the first canvass in late August and the completion of registration at the beginning of October. This can be argued on the basis of information given in two documents; the first lists the total number of claimants for each parish in Stirlingshire, breaking down the total into those for Admiral Fleming, those against, and the uncertain, while the second document is a letter addressed to William Forbes of Callendar from his agent in Falkirk, written after the completion of registration at Falkirk, giving similar details for the seven parishes in the eastern division of the county. If these documents are compared, it will be seen that William Forbes of Callendar appears to have considerably strengthened his position. For the sake of clarity the table is given on a separate sheet: (1)

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1. A list of claimants for each parish in Stirlingshire appeared in the Stirling Journal, of 13th September 1832, which had copied the table from the Caledonian Mercury. The registrations in the eastern division are given in: Thomas Aitken to William Forbes, 3 October 1832. : GD171/43.

<u>Parishes</u>	<u>Total Votes</u>	<u>Fleming</u>	<u>Forbes</u>	<u>Uncertain</u>
Slamannan, claims	57	48	6	3
do. registered	<u>57</u>	<u>30</u>	<u>14</u>	<u>13</u>
	0	-18	+ 8	+ 10
Airth, claims	68	44	15	9
do, registered	<u>64</u>	<u>40</u>	<u>16</u>	<u>8</u>
	- 4	- 4	+ 1	-1
Muiravonside, claims	70	24	28	18
do. registered	<u>62</u>	<u>13</u>	<u>38</u>	<u>11</u>
	- 8	-11	+10	- 7
Polmont, claims	71	46	18	7
do, registered	<u>65</u>	<u>29</u>	<u>26</u>	<u>10</u>
	- 6	-17	+ 8	+3
Larbert, claims	59	41	9	9
do. registered	<u>47</u>	<u>25</u>	<u>18</u>	<u>4</u>
	-12	-16	+ 9	-5
Bothkennar, claims	30	17	9	4
do. registered	<u>30</u>	<u>12</u>	<u>13</u>	<u>5</u>
	0	- 5	+ 4	+1
Falkirk, claims	170	92	62	16
do. registered	<u>159</u>	<u>68</u>	<u>76</u>	<u>15</u>
	- 11	-24	+14	- 1

If the estimates given above are accurate, and there appears to be no reason to question them, then Forbes had made both positive and negative gains, not only acquiring 41 additional supporters, but depriving Admiral Fleming of 95. Nevertheless, even in the eastern division where William Forbes estate of Callendar was situated and where his influence consequently was greatest, Admiral Fleming was still in the lead, though only by sixteen votes, while no less than 66 voters were still listed as uncertain. Fleming's main strength, however, lay in the other divisions of Stirlingshire.

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In spite of determined efforts by the Conservative party to induce tenant farmers to abstain from claiming registration if they could not be persuaded to vote for William Forbes, many farmers supported Admiral Fleming. The division in Stirlingshire was not between the industrial workers and artisans on the one hand, and the agricultural interest on the other. Certainly most of moulders, casters and blacksmiths employed in the iron industry supported Admiral Fleming in so far as they had votes, but the farmers were divided. In the parish of Airth, for example, there were 68 claimants. The agricultural group consisted of 49 persons, one proprietor, one feuar, and 47 tenant farmers; of these the proprietor, the feuar, and 33 of the farmers supported Admiral Fleming. The other nineteen claimants in the parish of Airth, two ministers, two bakers, two wrights, two ship-owners, two ship-masters, two weavers, two labourers, one schoolmaster, one tanner, one smith, one tailor, and one merchant, resident in Glasgow, were with three exceptions favourable to the Admiral or neutral. Apart from fourteen of the tenant farmers, William Forbes was supported only by the Church of Scotland minister, the parochial schoolmaster, and one of the labourers, and this was predominantly an agricultural parish.

The greater efficiency of the Conservative political machine nevertheless undoubtedly kept many supporters of Admiral Fleming out of the electoral roll. Many who had declared their intention of claiming a vote did not register, and of those who pressed their

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1. 'List of Persons who have claimed to be Registered as Electors within the Parish of Airth, 22nd August 1832. This list is marked with the claimants voting intentions. GD171/43.

claims, 182 supporters of Admiral Fleming, (or those whose loyalty to Forbes was in doubt) were refused enrolment by the sheriff of Stirlingshire at the registration courts.(1) More than 400 objections were lodged by the party of William Forbes, and the Tories provided all the business of the registration courts. Admiral Fleming made no attempt to use the registration courts as a political weapon, and rarely opposed the enrolment of known supporters of Forbes except at the Drymen registration court, where two such were rejected by the Sheriff.(1) In general, Admiral Fleming preferred to defend claimants whose rights were impugned, and to this end he attended all the registration courts accompanied by his counsel, Alexander Dunlop. Nevertheless, in such a situation, attack would have been the best form of defence, for while Patrick Robertson, the advocate employed by William Forbes, kept the best part of 200 voters from being registered, Admiral Fleming probably sustained a net loss of votes in excess of this total, because a substantial number of potential voters were almost certainly dissuaded from pressing their claims by the threat of an objection. Without a better organisation to reassure such claimants that their rights would be defended without charge to themselves, they would be apt to go along with the Conservative suggestion and stay away.

The campaign was not allowed to terminate with the completion of registration, for William Forbes was still active and continued to canvass in the parish of Campsie during the first weeks of

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1. Edinburgh Courant, 11th October 1832.

October.(1) For some reason best known to themselves, the Tories now believed that they could make a better impression on the voters in the villages than they had been able to make earlier in the campaign. It was suggested that such places as Balfron, Lennoxton, and Kilsyth could be successfully canvassed if William Forbes would visit these communities. In the town of Kilsyth, for example, where there were about sixty voters, it was reported that 'a great many of them now see the Admiral in his true colours', (2) which is surely a reference to the disparaging propaganda which the Tory agents had been industriously spreading in conjunction with assurances of their own candidate's independence. Several influential voters in Balfron were reported to favour Forbes, in particular Mr. Finlayson, the manager of the cotton mill, Mr. Niven, the minister, and Mr. Carrick, a wood merchant. (3) The Tory agent had been assured that if Forbes visited the village he would receive civil treatment, but he had declined to do so until November, when his reception was far from civil. (4) Again, when Forbes and his party visited the burgh of Kilsyth, a mob collected outside the inn where they had taken up their quarters, and they were forced to depart hurriedly:

'I am hopeful you got safe home on Friday Evening', wrote one of the Tory agents to his employer. 'As to myself I did not having received two very serious bruises from stones having been thrown at me by a mob who had collected in part of Kilsyth....during the evening. Most of the Inn windows were broken to pieces and

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1. John Marshall, writer in Glasgow, to William Forbes, 6 October 1832: Callendar. GD171/43.
2. Thomas Aitken to William Forbes, W.S., 3 October 1832: GD171/43.
3. William Jolly, W.S., to William Forbes, 22 July 1832: GD171/43.
4. Charles Stirling to William Forbes, 15 November 1832: GD171/43.

'otherwise damaged, and all at the instigation of Dr. Story and his friends.....'.(1)

The unsuccessful foray to the villages ended the canvassing, and in November the registration appeal court met at Stirling. As the majority of the objections had been made by Forbes, most of the appeals were lodged by Fleming's party, and many of them were successful. In the parishes of Denry and Dunipace, for example, eleven friends of Admiral Fleming had their claims sustained on appeal, while one of Forbes's friends lost his vote because he had sublet part of his property to a distiller.(2) The two dissenting ministers in the parish of Denry, the Rev. Mr. Harrower of Denry, and the Rev. Dr. Stark of Denry Loanhead, had been opposed by Forbes, but Sheriff Macdonald had upheld their claims and registered their votes over the objections of the counsel for William Forbes, who insisted that dissenting clergy, unlike clergy of the Established Church, had no proper liferent right to their manse, for they could be dispossessed by their congregations. Macdonald, however, had considered that it would be invidious to make such a distinction, and his decision was upheld on appeal.(3)

The election took place on the 24th and 25th December 1832, and the result was something of an anticlimax, for in spite of the costly and prolonged campaign waged by William Forbes, he was soundly beaten. The Conservative candidate could not even take

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1. Robert Adam, writer in Glasgow, to William Forbes, 11 November 1832: Callendar. GD171/43.

2. Scottish Guardian, 20th November 1832.

3. Scotsman, 26th September 1832, and Scottish Guardian, 20th Nov.

consolation from a victory in one of the four districts into which the Sheriff had divided the county for the purpose of polling, for William Forbes was defeated in all of them. (1)

	<u>Admiral Fleming.</u>	<u>Forbes.</u>	<u>Majority.</u>
Stirling,	397	100	297
Falkirk,	259	182	77
Drymen,	137	87	50
Campsie,	<u>202</u>	<u>97</u>	<u>105</u>
	995	466	529

Obviously Forbes must have hoped to do better than that, for the contest had cost him £1699; 15s. in addition to his personal campaign expenses, and he was still beaten by more than two to one. (2) What had gone wrong? Certainly he started at a disadvantage in the first election after the Reform Act, for the candidate identified with that measure could count on a great deal of goodwill, and the result established that Admiral Fleming had not lost his early lead. But the Tories themselves ascribed their humiliating defeat to different causes. Some months after the election, John Fairlie, one of the agents employed by William Forbes, remarked 'that at the late Canvass many of the Electors hesitated and refused to Vote for Mr. Forbes on the ground that he had started too late, and that they had previously pledged themselves to Fleming'. (3) There is probably

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1. Scottish Guardian, 28th December 1832. (The Scotsman of 29th December gives different totals: Fleming 988; Forbes 459; but the majority remains the same, 529.)
2. John Campbell Douglas's political account. GD171/43.
3. John Fairlie, writer in Balfour, to William Jolly, W.S., 27 June 1833: Callendar. GD171/43.

something in Fairlie's argument, for the first man in the field had always had an advantage in an election, and the Reform Act had not altered that basic political fact, and, as has already been observed, Forbes was a late starter. Nevertheless, one is forced to suspect that this was in many cases simply a polite way of refusing to support Forbes and avert any attempt to put pressure on themselves.

A second argument much used in Conservative circles concerned the alleged intimidation of would-be Conservative voters. They insisted that the conduct of many voters had been regulated by the 'intimidation of the violent ignorant village demagogues'.⁽¹⁾ This argument cannot be dismissed as entirely Tory propaganda and sour grapes. In the first place such references are made in letters from one Tory to another, and they obviously believed what they were saying. Secondly, there is some independent evidence of intimidation during the two days of polling. On one of the days of election, John Rennie, farmer at Curriemyre, appeared in a coach at Kilsyth with the intention of conveying the Forbes voters to the poll. There appear to have been only two Forbes supporters in the town of Kilsyth itself, as distinct from the parish, the Rev. William Burns, and Alexander Salmon, the minister and the schoolmaster of Kilsyth, but neither of them reached the polling place. As soon as Rennie entered the town a mob gathered, stones were thrown, and the coach almost destroyed, forcing Rennie and the coachman to abandon the vehicle and flee for their lives, considerably cut and bruised.⁽²⁾ It is

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1. Robert Henderson, writer in Stirling, to William Forbes, 16 January 1833: Callendar. GD171/43.
2. Glasgow Courier, 5th January 1833. The issue of 20th April 1833 reports the trial of one of the rioters before the Circuit Court of Justiciary. The charge was found Not Proven.

indeed possible that voters were deterred from openly supporting William Forbes if they lived in the vicinity of Kilsyth or one of the other villages.

The election of 1832 was unique, with the politicians finding their way in a new political situation, but both parties learned a great deal from the contest. The Stirlingshire Whigs, who carried the election successfully without the assistance of a professional organisation, soon discovered that such an organisation was essential, for the alliance between the Whigs and the Radicals was of short duration. As early as March 1833 Admiral Fleming was burnt in effigy in his own parish of Cumbernauld,(1) and thereafter it was apparent that it would be foolish to rely on the local Radical committees to provide the Whigs with a campaign organisation. The Conservatives also learned a great deal from this first trial of strength, and as befitted the party with the best political machine they soon looked for remedies. One of the first actions taken by the Conservatives after the election was to examine the lists of voters, and the report of the agent entrusted with this task gives an interesting estimate of the division of political power in the county of Stirling after the Reform Bill. In tabular form the electors of Stirlingshire may be classified as follows:

Old Freeholders ,	128
Proprietors of lands of £200 and upwards and their tenants,	630
Small proprietors (£50 to £200) and their tenants,	190

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1. Glasgow Courier, 12th March 1833.

Proprietors of land under £50,	280
Proprietors of houses of £10 value,	557
	b/f <u>948</u>
Total	1795

This estimate shows that whatever may have been said in the course of the 1832 election campaign, the Conservatives, as they now preferred to call themselves, regarded the voting of tenants as determined by the proprietors. Secondly, as the compiler observes, 'it is obvious that the influence of the large Landed proprietors is comparatively small, while the preponderance given to the small proprietors of land & owners of houses is decided'.(1) A solution at once suggested itself to this political lawyer which would end this objectionable preponderance of the small men: 'In my opinion', he wrote, 'the great Landed proprietors cannot regain that influence in the county which naturally belongs to them, but by encreasing the number of their Tenantry three or four times more than at present'.(1) This was the policy generally adopted in Scotland after the Reform Act, and it is remarkable that this solution was noted so soon after the first election on the new franchise. The Reform Act lent itself to jobbery, and far from ending abuses in the Scottish political system it intensified them.(2) Very soon after 1832 active competition was in progress to manufacture fictitious votes, and by 1839 the Laird of Ochtertyre was unable to avoid commenting on the situation in Stirlingshire, where '40 votes were admitted the other day, on a property named Boghall or Bogton, purchased by Sir Gilbert Stirling,

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1. Robert Henderson, writer in Stirling, to William Forbes of Callendar, 16 January 1833: GD171/43.
2. For this see W. Ferguson: 'The Reform Act (Scotland) of 1832: Intention and Effect'. SHR vol.XLV, April 1966.

for the purpose of making votes'.(1) So much for Reform.

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1. Ochtertyre to David Dundas, 7 September 1839: Ochtertyre Mss.
GD35/179/12.

Chapter Ten.

Burgh Politics 1.

An account of the activities of the freeholders does not give a complete picture of Stirlingshire politics, for political activity was not confined to the landed interest but also extended to the *royal* burgh of Stirling. The town of Stirling, in common with all the Scottish ~~towns~~ ^{*royal burghs*} which enjoyed representation in Parliament with the exception of Edinburgh, had to share its member of parliament with other ~~towns~~ ^{*royal burghs*}. The District of Burghs to which Stirling belonged comprised in addition to that town, the towns of Dunfermline and Inverkeithing in the county of Fife, Culross, which was then situated in Perthshire, and South Queensferry in Linlithgowshire, and since each town sent one delegate to the election meetings where the member of parliament was chosen, it would be pointless to look at the town of Stirling in isolation, the pattern of politics can only be seen by considering the group as a whole.

The electors in the Scottish burghs were invariably the members of the town councils, and to this extent the franchise was more uniform than in England, where several variations were found. These councils, by well-established custom, invariably made no concession to democracy and were self-electing. Annual elections of magistrates and councillors took place with great regularity, but the old council chose its successor, and it was normally quite practicable for a councillor to remain in office for life. No generalisations

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can be made about municipal elections, however, for there was no national system, each town having its own sett, or constitution, which frequently differed markedly from those of its neighbours or the towns associated with it in a District of Burghs. In the District to which Stirling belonged, for example, the number of the councillors varied from town to town; Stirling had a council of 21, Dunfermline 22, Culross 19, Queensferry 20 or 21, but Inverkeithing had an indeterminate number.(1) In the case of Inverkeithing a minimum number of fifteen councillors was specified in the sett, but since a councillor was chosen for life in this burgh and could not be voted out of council there was no upper limit. The only way in which an Inverkeithing councillor could be removed was by death or resignation, and in consequence this town was always difficult to manage merely from the fact that the number of potential voters was uncertain. Many Inverkeithing councillors resided in other parts of the country or even abroad, and although they were not permitted to act as councillors or to vote unless they resided in the town, this problem could be solved by the simple expedient of taking lodgings there for the duration of the election campaign.

In the town of Queensferry the council was divided into two parts, the Sea Council and the Land Council. Two-thirds of the members of council were required by the terms of the sett to be seamen and the remainder landmen, and the magistrates were similarly divided, but since the sett also provided that in the absence

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1. James Bridges: View of the Political State of Scotland in 1811.
This contains an abridged version of all of the burgh setts.

of sufficient seamen, landsmen could be taken into the council to fill the vacancies, there is little reason to wonder at the number of the disputes which arose in this town. Almost any election was open to dispute and threats to take questions to the Court of Session were commonplace, although the expenses which would be incurred normally made the burgh politicians confine themselves to threats.

Another fruitful source of controversy in many burghs concerned the election of the deacons of the incorporated trades, some or all of whom were members of council ex officio. In the burgh of Dunfermline, after a new sett was confirmed in 1724, eight deacons were to be chosen to be members of council each year, one for each of the incorporated trades in the town.(1) The members of each craft drew up a leet of four names which was submitted to the town council which struck off two names and returned the shortened leet to the trade, who then chose their deacon. In Inverkeithing, in contrast, there was no control exercised by the town council over the choice of deacons, the five trades in that town being free to elect whom they pleased. Stirling had yet another method. Before 1781 when a new sett was adopted, control, as in Dunfermline, had been exercised by the council shortening leets, but after 1781 the trades chose their deacons freely, save that before the annual elections the council declared four of the seven existing deacons ineligible for election for the next year.(1) The differences between the various

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1. The incorporated trades of Dunfermline were: Smiths, Weavers, Wrights, Tailors, Shoemakers, Baxters, Masons, and Fleshers; The Stirling trades were: Hammermen, Weavers, Tailors, Baxters, Cordiners, Fleshers, and Glovers. James Bridges 'View of the Political State of Scotland in 1811', passim.

setts could be multiplied indefinitely, but in addition to the existence of such variations the main feature of all burgh setts was their lack of definition. There were always many points upon which it was perfectly possible to draw contradictory inferences from the words of the sett. Consequently only the expense limited the possibilities of appeal to the Court of Session in political disputes, but often the mere threat was enough to alter a decision in a burgh contest.

The typical Scottish burgh election is often seen as simply a struggle of personalities, in which the most notable feature was the liberal greasing of palms, with little or no regard being paid either by candidate or councillor to anything in the nature of an issue of policy or principle. Such issues were not common in the eighteenth century, and it must be admitted that on this question the popular view, unflattering though it is to the burgh voter, is broadly correct. That municipal politics are frequently corrupt is virtually a truism in almost any place and period, and as has already been described above, municipal and parliamentary politics in Scotland were the two sides of the same coin. Nevertheless, like all generalisations, it is at best only partly correct, for there were elections in eighteenth century Scotland when bribery was overshadowed by issues. The factors which could affect an election were much more complex than generalisations will allow, as the Stirling Burghs election of 1734 clearly demonstrates.

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The General Election of 1734 followed closely upon the constitutional crisis occasioned by Walpole's Excise Bill, when Sir Robert Walpole, faced by a violent campaign throughout the country and dwindling majorities in Parliament, had felt obliged to drop his projected legislation. During this struggle a powerful group of Scottish peers, acting with Walpole's English enemies, moved into concerted opposition to Walpole and his Scottish associate, the Earl of Hly. Their objective was the defeat of the Administration in the peers election and in as many other constituencies as possible.

The enemies of the Walpole Administration believed that the Stirling District of Burghs offered one of the best chances of victory for the 'Patriot party' as they called themselves, for one of their number, the Marquis of Tweeddale, enjoyed considerable influence in the district, while the sitting member at the dissolution, Thomas Erskine, commonly called Lord Erskine, the eldest son of the forfeited Earl of Mar, was one of their adherents. At the time of dissolution the burgh of Stirling was considered by informed observers to be under the influence of the friends of Government, in particular of the Duke of Argyll and his brother Lord Hly, and Henry Cunningham of Boquhan, the member of parliament for the county of Stirling, who had formerly represented these towns and had kept up his interest, presumably as a form of political insurance. The town of Inverkeithing was also influence by Boquhan who was the provost, while Queensferry was supposed to be dominated by the Laird of Dundas, although the Marquis of Tweeddale also had a good deal to say in that town. Culross was similarly influenced by the Cochrane family, but the fifth town, Dunfermline, offers some complications. In that

town two interests were in conflict, that of Lord Tweeddale, the hereditary Bailie of the Regality of Dunfermline, and the local family of Halket of Pitfirrane.

The member of parliament at the dissolution, Lord Erskine, had secured his election in 1727 with the assistance of Lord Ilay and Henry Cunningham of Boquhan. In exchange for Boquhan's help in the burghs Erskine gave him his assistance in Stirlingshire where the family of Mar still had some influence. By 1733, however, the situation had completely altered, for Boquhan was a loyal follower of Sir Robert Walpole and was soon to reap his reward in the form of the office of Governor of Jamaica, while Lord Erskine had joined the Patriots.

In their plan for the General Election the Patriots fixed on Lord Erskine as a suitable candidate for the county of Stirling, which would thus create a vacancy for another candidate for the Burghs. The man chosen was Lord Erskine's uncle, James Erskine of Grange, a Lord of Session and brother of the forfeited Earl of Mar. Lord Grange had long been known as a steady adherent of the Earl of Ilay, and the Patriots accordingly regarded his assistance as a valuable accession of strength, for Grange was a man of considerable influence and ability.⁽¹⁾ A further factor of very great importance was Grange's known sympathy for the more extreme elements in the Church, who had always found him ready to listen to their grievances

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1. Marquis of Tweeddale to the Earl of Marchmont, 26 September 1733: 'The breaking Grange with Earl of Islay was no trifling matter... ..'. HMC. Polwarth V, p.103.

and who regarded him as a friend.(1) This was of great consequence, particularly in the Stirling District, for in 1732 a quarrel between the evangelical and moderate groups in the Church of Scotland had come to a head over the question of patronage, and the leader of the party which was ultimately to secede from the Established Church was Ebenezer Erskine, one of the ministers of Stirling. Ebenezer Erskine had considerable influence throughout the region, and his brother, Ralph Erskine, was one of the ministers of Dunfermline. The two ministers, moreover, were related, albeit remotely, to Lord Grange, who lived on friendly terms with them.(2)

At this period when everyone attended the burgh church, the assistance of a popular minister had obvious political advantages for the politician who could enlist his support, and this assistance was ready to hand in the Stirling Burghs without need for any prompting by the Patriots. Ebenezer Erskine blamed all his difficulties with the Church Courts on the interference of the Earl of Hly, and he did not hesitate to entertain his congregation on one occasion with a sabbath discourse on the decadence of the present representatives of the House of Argyle, in which he made invidious comparison with their true presbyterian ancestors. (3) When Lord Grange decided to join the Patriots he at once saw the possibilities in this situation, for the running quarrel in the General Assembly had culminated in a decision by the Assembly Commission that Ebenezer Erskine should be

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1. Lord Grange to the Marquis of Tweeddale, 26 August 1733: 'I have allways befriended their people....'. NLS. Yester 7044.
2. The Erskine brothers were descended from Robert, third Lord Erskine, who died at Flodden. *Fasti Ecclesiae Scoticae*, vol. IV, p. 328.
3. G. Vaughan to Lord Milton, 15 April 1732: Saltoun 19.

suspended, an order which Ebenezer had ignored and which no minister as yet had ventured to execute in Stirling, for the people of the burgh were solidly behind their minister. As Grange advised Lord Tweeddale, this situation created an opportunity for the Patriots, for 'when I(la)y is losing all confidence among them, it is a proper time for others to gain it; and that Popularity among a great Body of People may be of use even to a great man, especiallie about the time of Elections'.(1) Grange's connection with the Erskines was not simply induced by motives of self-interest, for Grange took a great interest in matters of theology, and the reputation for piety which made him the confidant of many clergymen was not entirely undeserved in spite of his scandalous private life.(2)

Lord Tweeddale adopted Grange's suggestion that the Patriots should make use of Ebenezer Erskine and his brother, for Lord Ilay was so unpopular with them that hardly more than an indication of sympathy was needed. Certainly it was quite unnecessary for the Patriots, as Grange put it, to:

'go so far as to declare for these people's sentiments, but only to speak agst the violent measures that they seem to be threatned with.....and wish that things may go softly, and that the particular views of those in Church & State who are so hot & fierce may not embroil the Nation and draw on the powerfull to persecute'.(1)

Clearly, the fact that it was widely believed that the man chiefly responsible for the decision to suspend the troublesome minister of Stirling was Lord Ilay, was likely to be of great importance to the Patriot cause if they handled the question carefully.

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1. Lord Grange to Lord Tweeddale, 26 August 1733: Yester 7044.

2. Wodrow's Correspondence, passim.

In a normal election it was a substantial asset for a politician to be known as a friend of Government with ready access to the loaves and fishes, but in the election of 1734 the position was reversed and the Argathelians in the burgh councils did their best to conceal their true sentiments. In the town of Stirling, for example, after Lord Erskine had carried out a preliminary canvass, it was reported that 'Littlejohn the present Provost, who pretending to be our Friend is indeed Mr. Cuninghams Man, & consequently Lord Hays. But all that Town, & the Provost allso, pretend to be firm to Lord Erskine'. (1) This was not really surprising, for, as a correspondent of Lord Milton the government manager reported: 'our towns people are all mad with the affair of their Minister Mr. Erskine who continues to preach as he use to doe. Lord Erskin was also with him who is one has a great Deal to say with most of the Magistrats & all of them hears him preach'. (2)

The first canvass was carried out for the Patriots by Lord Erskine as the sitting member for the District five months before the election took place. At first glance there seems no good reason why Lord Erskine could not have contested both his old constituency of the Burghs and the county of Stirling, for it was not uncommon to attempt to secure election for more than one place in order to ensure that all one's eggs were not in the same basket, but the political situation in 1733 rendered this expedient inadvisable. In

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1. Lord Grange to Lord Tweeddale, 26 August 1733: Yester 7044.

2. Mrs Mary Campbell to Lord Milton, 11 December 1733: Saltoun 20.

the first place the Government candidate who started in 1733, Henry Cunningham of Boquhan, took steps to play down his relationship to Government and to the Earl of Hly in particular, and attempted to persuade the towns to give the reversion of their votes to himself in the event of Lord Erskine declining to represent the District again. Consequently, if Erskine succeeded in both county and burghs, and chose to sit for the county, Henry Cunningham hoped to ensure that the subsequent by-election would be a formality. Lord Erskine, therefore, soon stood down in favour of his uncle Lord Grange, who made a prolonged expedition through the towns during the Christmas vacation of the Court of Session in 1733. Before Grange began to canvass the burghs actively on his own account the Government had entertained hopes of recovering him, believing that he might think better of his break with his old friends. As late as November 1733 a Government agent in Edinburgh, in a burst of wishful thinking, had reported that Grange was cooling towards the Patriots, but Lord Hly was quickly disillusioned, Lord Milton being forced to admit that:

'Vaughan was mistaken his only reason was yt his Lop. came streight from his couch to Lucky Thomas & got so drunk yt when he came in not speaking so warm in it the omisn was only owing to his being Drunk & not able to speak at all for he is keener yn ever.....& declars pretty openly that so long as Sir R(ober) Walpole) keeps in he can hope for nothing & yrfore he will do all in his power to oversett him.....'.(1)

Indeed this was the only likely motive for Grange's action in coming forward at that time, for he was in severe financial difficulties. As late as April 1732, Grange had approached Lord Hly through Mr.

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1. Lord Milton to Lord Hly(draft copy undated but in reply to one of Hly's dated November 1733) Saltoun 20.

Erskine, the Solicitor-General for Scotland, for permission to dispose of his seat in the Court of Session for the best price he could get in order to clear his debts, after which he hoped for some other employment.(1) But then, as on previous occasions, he had found that loyal service to Lord Ilay did not outweigh his family's Jacobite past with Sir Robert Walpole.

The preliminary canvass carried out by Lord Erskine in the summer of 1733 enabled the Patriots to form a realistic estimate of the political situation in the Stirling Burghs. At this stage it seemed that Henry Cunningham of Boquhan would be difficult to dislodge from Inverkeithing and Stirling, but Lord Grange hoped to secure the other three towns, Culross, Queensferry and Dunfermline, and even at the beginning of the canvass the Patriots felt sure that they could control the councils of Queensferry and Dunfermline.(2) But there was no room for complacency in any burgh election, and the fortunes of both parties fluctuated widely as the campaign progressed.

In the course of his Christmas tour, Lord Grange was gratified by the speedy conquest of the town of Stirling, where there was only one subject of interest, namely, the suspension of Ebenezer Erskine. Henry Cunningham of Boquhan also paid a visit to Stirling during the Christmas period, and finding himself at a disadvantage in the great question of the day, he tried to make the best of a bad case by

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1. 'Memorandum for Mr.E(rski)ne S(olici)tor G(enera)ll for Scotland, 3 April 1732'. NLS. Erskine-Murray 5074.

2. Lord Grange to Lord Tweeddale, 26 August 1733; Yester 7044.

attempting to turn Ebenezer Erskine's situation to the advantage of Government. As Lord Grange reported, Boquhan 'had put it in the heads of some of the Council of Stirling, that if they had declar'd for me it would hurt Mr. Ebenezer Erskine by exasperating E. Hay at him'. (1) There was a certain plausibility in this line of attack, for it might take with those members of the council of Stirling who did not wish to break with the Government but who had yet no wish to appear as opponents of the formidable Mr. Ebenezer Erskine. Fortunately for the Patriot cause, however, Grange's presence in the town enabled him to turn the attack before any real harm could be done, by the simple expedient of suggesting that those who thought that Ebenezer Erskine could be harmed by a declaration by the town council in favour of the Patriots should ask the minister for his opinion. As Grange expected, Ebenezer Erskine's opinion was expressed in his usual forthright style, for he 'openly declar'd, that it could not hurt him at all, for he had already felt Id. Hay's violence, and doubted not but he would do all the mischief he could to him and to all the faithfull Ministers & fast Friends of the Church of Scotland'. (1) Thus encouraged, the reluctant councillors did not break with the Patriot party, and the council of Stirling declared their intention of supporting Lord Grange at the General Election.

Although Henry Cunningham of Boquhan also toured the towns, he did not appear as the champion of Government and all its measures. This had been anticipated by Lord Grange but, on the other hand,

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1. Lord Grange to Lord Tweeddale, 9 January 1734: Yester 7044.

Henry Cunningham's approach was more straight forward than the naturally devious Lord Grange had feared, the latter having supposed that Boquhan would 'probably be dispensed with by Ilay to cry out against his measures about the suspended Ministers'.(1) There is no evidence that Boquhan ever did so.

In all this mutual concern for the inflexible minister of Stirling it should not be supposed that traditional methods of electioneering were neglected by the Government candidate, and Henry Cunningham did in fact detach one of the Stirling councillors who had offered his vote to Grange, the Deacon of the Butchers, who succumbed to an offer of sixteen fat wethers. But that was Boquhan's only success at Stirling, and it was of doubtful value, for, as Grange relates, the good Deacon promptly made another approach to the Erskine party. 'The Rascall had openly demanded from my factor 8 Guineas, on wch Condition he would be for me', wrote Grange.(2) Now, while an unscrupulous and treacherous Deacon was not an uncommon figure in Scottish burgh politics, in the present state of public opinion in the town he did himself more harm than good by his greed, for not only did Grange's factor decline to bribe him, Boquhan kept his sheep ' & now none in the Town will drink a Chopin of Ale with the fellow, nor keep company with him', which could hardly have been good for business.(2)

But if the Patriots started their campaign with a quick success at Stirling, simultaneously matters started to go dangerously wrong

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1. Lord Grange to Lord Tweeddale, 26 August 1733; Yester 7044.

2. Lord Grange to Lord Tweeddale, 9 January 1734; Yester 7044.

for them in the town which they regarded as the centre of their influence in the District, Dunfermline. The source of Patriot influence in this town, in the context of traditional politics, was the judicial power of the Marquis of Tweeddale as Hereditary Bailie of the Regality of Dunfermline. The Marquis was not himself the Lord of the Regality, which was vested in the Crown, but he had a heritable lease of the office and in practice the limitation was of little importance. Contrary to common belief the old heritable jurisdictions did not dwindle into insignificance at some period between the end of the seventeenth century and their final abolition after the Jacobite Rising of 1745. Some of the courts may have atrophied but many feudal jurisdictions were still very active at this period. The Regality of Dunfermline covered a considerable part of West Fife, including the country surrounding the burgh of Dunfermline, and its court even had jurisdiction over the passage boats on the Forth which gave the Marquis of Tweeddale some influence in the burgh of Queensferry from where the ferries sailed. The regality court was very active, meeting in this period between 30 and 40 times a year, and shortly after the election of 1734 pressure of business obliged the court to increase its sittings to two days a week throughout the year.(1)

The Marquis of Tweeddale naturally did not spend his life giving justice to the people of West Fife, and a court as busy as this required several judges, so that three or four Bailies-depute were nominated by the Marquis to hold his courts, retaining their offices

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1. Regality of Dunfermline Court Book, 1730 to 40 passim and 'Act for two Court Days in the Week', 8th August 1735: RH 11/27/13.

at his pleasure. Now while the Bailies-depute acted as the Marquis's servants, as they were in name, Lord Tweeddale dominated the town of Dunfermline, and there could be few councillors who would care to refuse his requests. Accordingly the Patriots had felt sure of this town where influence served to reinforce public opinion, but unfortunately for Lord Grange and the Marquis, when one of Lord Tweeddale's Bailies chose to defect the political situation was completely altered. To the good people of Dunfermline it appeared that the most active Bailie-depute resident in the area was more to be regarded than a Marquis residing in another part of the country. The man involved, Captain Peter Halket, younger of Pitfirrane, was himself a member of the council of Dunfermline, while his father, Sir Peter Halket, was one of the leading landowners of the Dunfermline area and Provost of the town. The Captain therefore was a man of influence in the town independent of his office of Bailie-depute, but it would seem that it was the office which made him feared.

Captain Halket now began to use his influence in the town to dissuade the town council from declaring for Lord Grange. He probably came forward with mixed motives, for on the one hand he did want to enter Parliament, as he presumably knew that this was the road to advancement in the army in which he held a commission, while on the other hand he also wanted to secure legislation to facilitate the Halket coal operations, and this would be helped by Government interest. (1) Whatever his motives, by January 1734 it was obvious to Lord Grange that Captain Peter Halket was not to be relied upon

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1. Lord Milton to Lord Illy, January 1734 (Copy) Saltoun 22.

as a supporter, although some doubt remained with regard to the father, Sir Peter. It was known that the younger Halket had been negotiating with the Government manager, Lord Milton, who appears to have been a poor tactician, for according to Lord Grange, 'the plot was discover'd by Ld Milntoun's foolish & too hasty boasting'.

(1) Warned by Lord Milton's indiscretion, the Marquis of Tweeddale decided to counter the influence of his Bailie by making a personal visit to Dunfermline in company with Lord Grange, when 'all did so strongly declare their adherence to Ld Marquis and aversion to Sr Robt. Wallpole, E. Hay, Ld Millnton & all who should join them', that they found the situation in the burgh to all appearances quite satisfactory. (1) The situation, however, was far from secure. Captain Halket was not foolish enough to declare his support for the Earl of Hay openly, which would of course have made the Patriots task easy, but instead he produced a varied list of excuses for his refusal to declare for Lord Tweeddale and the candidate of the Patriot party, while still insisting that he, Halket, did not really mean to stand himself, but was only maintaining the family interest and attempting to cheat Lord Hay.

As in Stirling so in Dunfermline, the paramount interest among the townspeople was the affair of Ebenezer Erskine, and the burgh's ministers were the best propagandists for the Patriot cause. Lord Tweeddale was informed that:

'the two Ministers it seems dealt a good dale among their people, & gave very broad hints in the Pulpit, of their duty to be publick spirited, & not to partake of other men's Guilt, wch they

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1. Lord Grange to Mungo Graeme of Gorthie, 7 January 1734:
Montrose. GD220/5/4

'must do if they did not employ their Interrest heartily to bring in such as they had reason from their former Conduct to believe sincere friends to their King & Country & to our civil & sacred Rights, Libertys & Priviledges, & if they did not oppose all who, under any pretence or temptation whatsoever they should see going in with our Oppressors....'.(1)

This was indeed plain speaking, and brought about an open quarrel between Captain Halket and the two ministers of Dunfermline, Mr. Wardlaw and Ralph Erskine, which considerably diminished Halket's influence. When Captain Halket complained to Erskine that the words of his sermon appeared to point at him, he got the worst of the exchange:

'Erskine put it to him roundly, whether he was in any concert with E. Hay? he could not deny it, & for his vindication alleadged the Promise he had given. Erskine replied, that such a promise was dishonorable & sinfull, & that the Captn. could notexpect the Concurrence of any honest man. The Captn. in defence of standing to his Promise, urged the example of Herod who, tho reluctantly, kept his Word to Herodius & beheaded John Baptist. Erskine answer'd to this purpose, Fy upon the Tyrant, why did he not gar scourge the Whore & swish her out of his Court, & honestly break the sinfull filthy Promise he had made like a Villain. Wardlaw us'd no less freedom with him. He is in a prodigious Rage at both. Some who had great favour for him before and would hardly believe it possible he would act thus,will scarcely now see him or speak with him.....'.(1)

Unfortunately for the security of the Patriot interest, however, the Marquis of Tweeddale became convinced that Captain Halket was no longer a threat, and returned to London without taking the logical step of removing the Captain from his office of Bailie-depute. After he had reached London the Marquis showed great reluctance to act on Grange's advice at that distance, and insisted that: 'the turning him out of the deputation in my absence might do more harm than good'.(2) But Lord Tweeddale's response to Grange's advice, a policy

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1. Lord Grange to Lord Tweeddale, 28 January 1734: Yester 7044.

2. Lord Tweeddale, to Lord Grange, 23 February 1734: Mar & Kellie GD124/25/2053/4.

of letting matters drift in Dunfermline until he should return to Scotland, had very harmful consequences for the Patriot interest. The people of Dunfermline feared Captain Halket, and in particular they were afraid of his power as Bailie of the Regality; quite naturally they hesitated to break with him without a positive indication that the Marquis of Tweeddale had done so, for in Lord Grange's words, 'they fear that your Ldp. & he will at length make up matters and so he'll continue in power as a Bailie-Depute & still be countenanced by you, & he would never forgive their standing by your Ldp's Interest, & would wreck his Vengeance on them'.(1)

Henry Cunningham of Boquhan did not allow his rebuff at Stirling to discourage him from visiting the other towns in the District, but he had little to show for his trouble. At Queensferry he received a flat refusal; 'the Magistrates say he is a vain giddy fool', exulted Grange,(2) but although Boquhan may have been all of that, his or Lord Milton's tactics were less foolish than Grange would have liked to believe. Boquhan was now trying hard to persuade the towns not to promise their votes until after the next session of Parliament, when they could see matters more clearly. In other words the town councils were being urged to retain their freedom of action until the dissolution of Parliament, and during this final session of the 1727 Parliament the opposition to Sir Robert Walpole lost a good deal of its momentum.

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1. Lord Grange to Lord Tweeddale, 28 January 1734: Yester 7044.
2. Lord Grange to Lord Tweeddale, 9 January 1734: Yester 7044.

From his base at Inverkeithing Henry Cunningham made an expedition to Dunfermline, where those councillors who kept public houses welcomed his money if not the man, for as Lord Grange relates:

'He had an Entertainment at Chalmers, to which Veitch refused to go because he kept a publick house himself, and therefore B(oquha)n order'd another at his house, and for want of Company most of it and the Punch was given to the Beggars at the Door. The two Bailies and Conveener refused to go near him, and he was but ill attended by the rest, who after they let him make two great Bowls of Punch all declared that they would only drink Wine, & the Punch was given to the Beggars who I suppose are now his best Friends in that Town. He went to the Houses of the two Bailies & Conveener, & whatever he said there or elsewhere he was answer'd that he had been for the Excyse Bill, wch he was put to defend, but did it not to their satisfaction & made them more agst him.....'.(1)

In the burgh of Culross also, Henry Cunningham's reception 'was most exceedingly disagreeable to him,(1) so that he was thrown back upon his own town of Inverkeithing. Thus, at the conclusion of the first round of electioneering, around the end of January 1734, the Patriots were confident that they could hold Stirling and Queensferry, Henry Cunningham of Boquhan held Inverkeithing, while the remaining towns, Dunfermline and Culross, were uncertain.

As each town had a single vote in the choice of a member of parliament it was necessary to secure three towns, and the Patriots, with two towns favourable, now turned their attention to Culross, where their attack was led by the redoubtable Ebenezer Erskine. In a letter to Lord Grange the minister reported his intention of visiting the town, declaring that:

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1. Lord Grange to Lord Tweeddale, 9 January 1734: Yester 7044.

'Upon Munday come eight days I design God willing to go toward Dunfermline I know not but I may be a night at Culross at which time I design to talk with Mr. Geddis and my Br. Alexander about your affair and if what you inform me of be fact that these Gentlemen have so much regard for my opinion in yt affair they shall not be long undetermined....'.(1)

The Patriot party apparently hoped to repeat the tactics which had proved so useful at Stirling and Dunfermline, and employ the ministers to exert pressure upon the town council of Culross by stirring public opinion in the burgh. But if this was the intention they were unsuccessful, for after visiting Culross Ebenezer Erskine was less sanguine, and reported that he feared that money would carry Culross to the other side, for even if he had the inclination, Grange's resources would not stretch to extensive bribery.(2)

Culross was not to be carried by mobilizing public opinion concerning the treatment of the suspended ministers, for that town was dominated to a far greater extent than the larger burghs by the neighbouring landowners, particularly by Lady Mary Cochrane, the eldest daughter and heiress of the second Earl of Kincardine. Lady Mary, it would appear, was convinced that the Government candidate 'was sure of Stirling as well as of Inverkeithing so that her town of Culross would have the casting vote, from which certain consequences were infer'd that were heavy'.(3) Lady Mary decided therefore that it was her interest to keep the town from declaring until a suitable bargain could be struck with Government. In the

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1. Ebenezer Erskine to Lord Grange, 23 January 1734: Mar & Kellie, GD124/25/2054/1.

2. Ebenezer Erskine to Lord Grange, 19 February 1734: GD124/25/2054/2

3. Lord Grange to the Earl of Marchmont, 1 & 2 December 1733: III Polwarth V, p.69.

face of Lady Mary Cochrane's opposition no further effort in Culross would be likely to produce a declaration in Grange's favour, and Ebenezer Erskine's visit does not appear to have been followed up with any vigour, for other towns looked more attractive.

The rapid waning of Henry Cunningham's interest in the District had alarmed his friends, and persuaded some of them that it might be an opportune moment to think about abandoning the sinking ship before it was too late, for there was some danger of finding themselves quite out of favour in the event of a change of Administration as a result of a Government defeat. Notable among those with an eye to the main chance was Mr. Cant, the Town Clerk of Henry Cunningham's own burgh of Inverkeithing, who, in consequence of his office, was to be the returning officer at the election. Here was an unexpected if untrustworthy acquisition for the Patriots. Lord Grange took advantage of Henry Cunningham's absence in London to negotiate with Clerk Cant, whom he found drowning his troubles in the Edinburgh taverns. This made communication a little difficult, for according to Lord Grange:

'Mr. Cant is so eternally & monstrosly drunk here, that I have not got him fully spoke to. But he pretends to be for us & says that B(oquha)n's head is turn'd, & that he holds nothing of him having made him discharge all his Accounts before he went from this, and that now he sees him like to be out of all the other Towns & left by every body, and that Inverkeithing's Vote must not be losst....'.(1)

Commendable though Mr. Cant's concern for the interest of the burgh may have been it was not his only worry, for his old master, Lord

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1. Lord Grange to Lord Tweeddale, 9 January 1734: Yester 7044.

Milton, and Provost Henry Cunningham, were pressing him to return a Government candidate no matter how the burgh delegates voted. Cant was not troubled by scruples, but he was frightened by the possible consequences if he obeyed these orders and made a false return should the Government not have a majority in the new Parliament. In the mood in which Grange found him Cant insisted 'that he will not risque for any man the money he has allready gain'd, nor incur the pains of that damn'd dreadfull Act (as he calls it) the Bribery & Corruption Bill'.(1) Lord Grange was an intelligent man, and he knew how little he could rely on the promises of this new convert, but Cant's ready betrayal of Henry Cunningham's affairs was useful. The Patriots now knew that Boquhan had brought with him to Scotland bills on the Royal Bank for a thousand pounds, and that he had already dispensed almost 500 guineas before his return to London.(2) Sir Robert Walpole had certainly supported his candidate generously, and there is more than a trace of envy in Grange's criticism of his opponent's methods. 'That Fool as he goes about makes not use of eating & drinking with People so much for an opportunity of speaking to them & warming their Hearts, as to make a Sputter and Show of Expence, wch he fancy's makes him admir'd as a brave generous Gentleman'.(2)

One of the leading features of this campaign was the Patriot party's determined use of propaganda to establish and maintain public interest in the election, and they did not rely solely on

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1. Lord Grange to Lord Tweeddale, 9 January 1734; Yester 7044.

2. Lord Grange to Lord Tweeddale, 10 January 1734; Yester 7044.

the clergy, influential though they were. Early in the campaign the Scottish and English enemies of Sir Robert Walpole established a courier service between London and Edinburgh in order to avoid having to rely on the ordinary postal services which were regularly intercepted by Government agents. These couriers in addition to letters carried pamphlets and newspapers of appropriate sentiments for, in the opinion of Lord Grange, 'many things may happen this session of Parlt. very proper to give our Countrymen just sentiments & a right spirit before the Election, wch except by this Method either they will not hear of at all or get a false & deluding account of by the Creatures of the Ministry'.(1) The method of awakening the right spirit among the Scottish voters was 'by distributing Pamphlets & Papers to be sent to us from London'.(1) Probably only single pamphlets would be sent from London which would be reprinted in Scotland. There was even an attempt to establish a weekly newspaper in Scotland to support the Patriots, but that project at once ran into financial difficulties. The Craftsman was widely distributed, however, while even a highly relevant Act of Parliament was printed and distributed prior to the election. 'We have in the Press the Act agst Bribery & Corruption that it may be distributed, for as the Courtiers proceed, it is necessary that the Act be known to all, wch few do at present', wrote Grange.(2)

Lord Grange took a keen interest in this method of making interest, for he kept up the distribution of a regular parliamentary

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1. Lord Grange to Mungo Graeme of Gorthie, 7 January 1734: Montrose. GD220/5/4.

2. Lord Grange to Lord Tweeddale, 10 January 1734: Yester 70/4.

newsletter for years after the 1734 election. The distribution of this literature combined with pulpit harangues certainly succeeded in increasing public interest in the events taking place at Westminster, and there can be no doubt that the propaganda was successful for it swung public opinion solidly behind the Patriots in this constituency of the Stirling Burghs. Unfortunately for the propagandists, however, they overlooked the most essential fact of eighteenth century politics, the general public did not enjoy the franchise. Now, while the burgh oligarchies certainly were not immune from the effects of public opinion and Patriot propaganda, the propaganda itself tended to turn against its authors during the last session of the old Parliament. As the bailies and councillors, whose inclinations were to support the men in power, watched the events at Westminster with a new found interest during that last session, they found good reason to hesitate. Had Lord Grange's friends continued to make the running in Parliament there is every reason to suppose that he would have had little further trouble, and perhaps even Inverkeithing would have declared for him, but this did not happen. Sir Robert Walpole recovered from his setback over the Excise Bill, and from the letters of Lord Grange to his friends in London it is evident that the Scottish opposition was flagging in direct proportion to the Government's recovery, and that Grange at least was aware of the harm which any loss of momentum could do on the eve of the election. He advised the Marquis of Tweeddale that:

'If on the Triennial Parlt. the Vote of Credit etc. there be not a hearty opposition, the Country will not believe that the

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'Patriots are in earnest or good for any thing, and our numbers & friends in this Country will drop off as snow melts before a hot sun. Tho you should come to be defeat, yet if there be an honest bold & hearty battle, our Troops will continue in heart; otherwise most of them will desert, & not readily return to their ColoursGod forbid that this Session go over without some publick noted popular appearance by the Patriots We shall otherwise lose the Elections.....'.(1)

The Triennial Bill was thrown out by the Commons by 247 votes to 184 after a fairly ineffective struggle by the opposition, and the Court party made the most of this victory in order to strengthen their position in Scotland.(2) Lord Tweeddale was advised that one immediate consequence of this vote was that the Government would have a majority of the returned members from Scotland at the General Election, 'for the Court will drive the Returning Officers to do as they direct them, & the great appearance of their success will easily perswade these Officers to obey blindly'.(3)

Encouraged by Walpole's recovery, the Court party redoubled their efforts in all the burghs of the Stirling District. In the town of Stirling itself a resident Court manager was set to work in the person of Captain Charles Campbell, a cousin of the Duke of Argyle, whose mother and sister resided in the Duke's house in Stirling. Here the old charge of Jacobitism was once again raised against the enemies of the Walpole Administration, although as Lord Grange believed, this was only a pretext to allow councillors who had deserted Henry Cunningham to return to the Government fold with decency:

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1. Lord Grange to Lord Tweeddale, 11 March 1734: Yester 7044.
2. Lord Grange to Mungo Graeme of Gorthie, 21 March 1734:GD220/5/4
3. Lord Grange to Lord Tweeddale, 29 March 1734: Yester 7044.

'Some of them who were Boquhan's Friends & had left him, began lately to stagger on the silly pretext (wch yet startles severals here) that the Patriots are Jacobites.....I doubt not but I have satisfy'd them that the Objection is absurd, but it is not the strength of the Objection wch in such case is noticeable, but that men want to have an Objection & when driven from this will take up another. The Truth is, all this proceeds from the unexpected (to most people here it was unexpected) superiority of the Court in Parlt., and that the Patriots have attempted little. The Spirit that notwithstanding is among them, & the Reasons why they have not attempted more, ly out of Reach of those we have to deall with in this Country, who judge only by publick noted Facts, & wish to be with the uppermost at least with such as struggle well.....'.(1)

Henry Cunningham of Boquhan almost certainly had never intended to run again, but so long as he was actively canvassing, Captain Peter Halket, who was to be the true Court candidate, could pose as an independent. The result of the first canvass, however, had shown that Boquhan had no chance of defeating Lord Grange, and as it was certain that one of the candidates would be a Courtier, the Earl of Hly and Lord Milton deliberately blurred the issue again by setting up another candidate, Captain Charles Campbell. This unfortunate, in spite of his close relationship to both Hly and Milton, was quite callously used by them. Captain Campbell was the dupe of the 1734 election, for he was induced to spend his own money both in the Stirling District and the Glasgow District, and was dropped by the Court in both places.(2) The candidacy of Campbell was very useful, however, for as an avowed Court supporter his presence in the field gave some plausibility to Halket's pose of independence, which seemed to convince those who would like to believe it was true. In the town

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1. Lord Grange to the Marquis of Tweeddale, 11 March 1734:
Yester 7044.

2. Captain Charles Campbell to Lord Milton, 11 May 1734: Saltoun 22.

of Dunfermline, for example, Lord Tweeddale was informed that:

'success.....depends chiefly on getting them perswaded that Captn. Halket is in with the Court, & that his Measures can not be agreeable to your Lordship, & that you will in all events encrease your own Interrest & Power among them & no more give them up to the Captn nor put them again in his hands....'.(1)

Captain Halket had concentrated his attention on his own town of Dunfermline, and used every means he could think of to get himself chosen as the delegate to represent the burgh at the election at Inverkeithing, and in this he had some success. Lord Grange was horrified to find that the council of Dunfermline were not only inclined to enter into Halket's proposal, provided he would agree to obey instructions, but might even permit him to give the burgh's vote in his own favour if this would secure his election.(2) Grange's comment on the possibility of Captain Halket obeying instructions if he were chosen to be delegate seems justified by the Captain's previous actions: 'Tying down is a jest unless the Delegate be a man of reall honour, (wch after what I have seen of the Captn. I can not help thinking is not quite his Character) for his Vote will stand good, tho given contrary to what he was ty'd down to'.(2) Clearly it would be extremely dangerous to have one of the towns upon which the Patriots relied represented by an enemy, but the difficulty was occasioned by the fact that Halket had never come into the open and admitted his support of the Government, and in these circumstances there were many people in Dunfermline who considered that the Bailie-depute had as good a claim to represent the town as had Lord Grange.

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1. Lord Grange to Lord Tweeddale, 18 March 1734: Yester 7044.

2. Lord Grange to Lord Tweeddale, 11 March 1734: Yester 7044.

The people of Dunfermline, including the members of the town council, were afraid of Captain Halket, and perhaps with good cause, and his influence in the town was largely attributable to the error of the Marquis of Tweeddale in keeping Halket as his Bailie-depute. Tweeddale was informed that the council hesitated to choose their delegate 'because perswaded the Captn. will join your Interrest & concur to elect....(Lord Grange) & then they will not need differ from the Family of Pitfirren they have so long been Friends with'.

(1) Even when the prospect of a visit to Dunfermline by Lord Milton, the Earl of Hly's political manager, made it impossible for Halket to conceal the fact that he was acting with Hly, some members of the council 'would fain perswade themselves that he cheats that Peer'.(1) This illusion was industriously propagated by the Captain himself, who kept up a facade of independence by talking against Henry Cunningham of Boquhan, who was now an obvious non-runner, and as Lord Grange remarked: 'What he says at Dunfermline agst Boquhan is visibly Bambouze. It will be found that Boquhan is not to stand against me, but the Captn himself'.(2)

The returning burgh, Inverkeithing, and its Town Clerk, Mr.Cant, rapidly returned to their old allegiance as soon as it seemed that Walpole was out of danger; here too the vote on the Triennial Bill was decisive. Grange reported that Clerk Cant was 'vastly elated with the success of the Courtiers, and he & his Town have quite given up Correspondence with me & keeps a close Correspondence with

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1. Lord Grange to Lord Tweeddale, 11 March 1734: Yester 7044.

2. Lord Grange to Lord Tweeddale, 18 March 1734: Yester 7044.

'Boquhan'.(1) Thus, as the campaign moved into its final phase, the situation had altered once again; Lord Grange still had two towns, Stirling and Queensferry, but Captain Peter Halket had replaced Henry Cunningham of Boquhan as his chief rival, for the latter had 'nothing at all to say in Dunfermline or Cullross. The Captn has, & on Boquhan's giving it up is promised Inverkiething'.(1)

If Captain Halket could persuade the council of Dunfermline to make him their delegate therefore, he had a very good chance of securing his election, and he spared no effort to gain this point. According to Lord Grange's information, the Captain:

'had the wholle Magistrates & Council dining at Pitfirren with himself & his Father, & made them all very drunk.....Mr. Black wrote to me of it, and said that they all stood firm to their point viz. that if neither Inverkiething nor Stirline voted for the Captn he behoved if he was their Delegate to be ty'd down to vote for me; Upon which he rose in a Passion, & said if he could not make it for himself (wch he would soon know) he would go to his Regiment, & let them make Delegate who they had a mind. Your Lordship will remember what I believe I lately wrote to you, the Captn gave out to be the reason of his having deallt with E. Hay, to wit, that he might not be order'd to his Regmt, & so render'd unable to serve his Friends. Thus he shuffles about; and if he had half as much sense as he seems plainly enough to have Inclination to cheat, he would impose on people. But he betrays himself at every turn.....'.(1)

Nevertheless, if Halket appeared at the election meeting as the delegate of Dunfermline he was almost certain to carry the election by three votes to two. Moreover, in the event of any dispute at the election meeting, there could no longer be any doubt which candidate would be favoured by the returning officer, Clerk Cant, for as

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1. Lord Grange to Lord Tweeddale, 29 March 1734: Yester 7044.

Grange complained:

'whoever the Court setts up will be return'd by Cant. If the Rascall did in the least hesitate about what is the advantageous side for him, perhaps he may venture to disobey the Court's Commands, & for once be a little honest, but as things go, he will run farther & faster against me than they could almost desire him; & they will promise to stand betwixt him and all hazard. He knows that if I prosecute him, the Session will not condemn him (of wch he boasts already) and that E. Hay will be the great judge in the Appeal.....'.(1)

The probability of a false return even if he were successful, obliged Lord Grange to take precautions, and by arranging to be elected for the county of Clackmannan he tried to ensure that he would be a sitting member when any dispute over the return for the Stirling Burghs was brought before the House of Commons. In the event of his success, either at Inverkeithing or on appeal, Lord Grange would elect to sit for the Burghs, and another candidate would be brought forward for Clackmannanshire at the by-election. But in order to make it worth while for the Patriots to petition against the return they obviously had to obtain a clear majority of the votes, and as yet they only held two towns, Stirling and Queensferry, with the vote of Dunfermline likely to prove decisive. This was the situation at the end of March when the election was imminent. Consequently the loss of either of the Patriot towns to the Court at that late stage would end the contest, for the Patriots position would have been irretrievable, and this possibility had not escaped the notice of Captain Halket and the Government managers.

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1. Lord Grange to Lord Tweeddale, 29 March 1734: Yester 7044.

During the month of March Captain Halket visited Stirling, still acting the part of the independent gentleman, but he received a very short answer from the leader of the majority in the council of that town as Lord Grange reported; 'Mathew Kier said there would be but two Parties on the field, the Court & Countrie, that they were sure I was for the Country, & fear'd he was for the Court, in wch case he needed not expect that Town'.(1) But the Captain was not to be so easily discouraged, particularly as so many of the councillors of Stirling had been attached to Henry Cunningham of Boquhan and probably regretted their enforced break with Government, and 'next day his Brother Mr. Wedderburn & other of his friends were very busy among the Counsellors'.(1) As the weeks passed Grange's majority of sure friends in the council of Stirling gradually diminished, although as yet the magistrates were firm. At this point the Court party appear to have launched a scheme which is quite Machiavellian in its ingenuity, designed to remove the magistrates of Stirling from the Patriot camp before the election.

The dispute between the General Assembly majority and Ebenezer Erskine had culminated in a decision by the Assembly to authorise their Commission to suspend Erskine and his friends if they did not make an apology for their conduct. Now Ebenezer Erskine was the last man to withdraw from any position which he had taken up, and he appeared to be more inclined to think that it was the General Assembly which should apologise to him. This was the situation at the end of March 1734. Ebenezer Erskine had refused to give way, and

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1. Lord Grange to Lord Tweeddale, 29 March 1734; Yester 7044.

the Commission accordingly ordered a minister to proceed to Stirling and intimate Erskine's suspension from his own pulpit, ' & to require the Magistrates to protect him in so doing, & to take Instruments if he was refused or met with Violence'.(1) Now if there was one thing which could be said with absolute certainty about this situation, it was that the unfortunate man sent to Stirling for such a purpose would meet with a rough reception; what is less certain is whether the decision to send a minister to Stirling at this particular time was entirely fortuitous, or whether it was at the instigation of the Earl of Hly or Lord Milton. But however the decision was reached, it would serve the political purposes of the Government, for should the magistrates either decline or fail to protect the minister sent to the town from the incensed inhabitants, which was virtually an impossible task, 'then it will make them lyable, & so our friends will be prosecuted, & even before next election, this may have the worst effect.....& give a handle to Lord Hly to disturb the Election'.(2)

The man chosen for this uncongenial task was James Richardson, the minister of Aberfoyle,(3) but this man had been presented to his charge by the Duke of Montrose, one of the leading Patriots, and it appeared to Lord Grange that Richardson might be susceptible to a little pressure from the friends of his patron, particularly when their advice was likely to save him from injury. The Duke of Montrose was then in England, but his commissioner, Mungo Graeme

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1. Lord Grange to Mungo Graeme of Gorthie, 21 March 1734:GD220/5/4
2. Lord Grange to Mungo Graeme of Gorthie, 5 April 1734: GD220/5/4
3. James Richardson was minister of Aberfoyle from 1733 to his death in 1770. *Fasti Ecclesiae Scoticae*, vol.IV, p.335.

of Gorthie, was urged to prevent Richardson from coming to Stirling by any means in his power. The situation in the town was critical for:

'Paines are taken to perswade them, that in their present Situation because of their Minister, there is no safety for them without Ld Hay's Friendship, and that to offend him farther is to be undone.....and the secret friends of Boquhan & the Court, who formerly behov'd to say otherwise because the Current of the Town was with us, do now begin to speak that for the sake of Ebenezer & their own safety they should yield to Ld Hay'.(1)

Grange pointed out that Mr. Richardson could easily escape from this difficult task which had been thrust upon him, for his instructions from the Commission decreed that he should read the sentence of suspension against Ebenezer Erskine in Stirling 'on or before the 4th Sunday of Aprile. Who knows but he may be sick, or what accident may happen on that Sunday so as to justify or excuse his not going to Stirling ? and that day being elapsed he can not go'. (2) Should Richardson not have the good sense to wish to preserve his own skin by waiting until the last possible day and then developing a timely diplomatic illness, Grange took steps to ensure that he would in fact meet with an accident on the road. Gorthie was urged to:

'get sure notice of the day he is to go to Stirline, the time he is to set out and the Road he is to take, so as such as wish to meet & protect him on the way can not be disappointed.....there may be some that he is not acquainted with, who are resolved to meet him & hinder any to offer Violence or affront to him, but will hinder him to proceed and make him Return, but in great Civility & without doing him any sort of harm....'.(1)

However it was managed, Grange carried his point, for Richardson did not appear at Stirling to create a riot at that critical moment,

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1. Lord Grange to Mungo Graeme of Gorthie, 5 April 1734:GD220/5/4
2. Lord Grange to Mungo Graeme of Gorthie, 21 March 1734:GD220/5/4.

and his absence probably decided the election in this town in Grange's favour, for the council was almost evenly divided.(1) By a combination of bribery and persuasion that to support the Court candidate was to act in the best interests of Ebenezer Erskine, the Government party in the town council of Stirling had grown from virtually nothing to eight out of a total of twenty councillors who would attend the election. In this town the casting vote was not exercised by the Provost, who was a friend of Grange, but by the Dean of Guild, and he was a member of the Court interest, so that the Government needed only two votes to carry the election not only for the delegate of Stirling but for the whole District.

In such a knife edge situation even little things might be of vital importance. For example, when one of the inhabitants of Stirling was pressed on board the Terrible, a vessel of the Royal Navy, presumably without the formality of a press-warrant since Britain was not involved in the War of the Polish Succession which was then in progress, the Court agent in the town, Captain Charles Campbell, advised Lord Milton that: 'My Eneemys here have wrote to My Id Grange; if the man is sett at Liberty I begg it may be by yr Interest, and that you'll be so Good as write Me so, for it will do Me service in this place'.(2) But in spite of all Captain Campbell's efforts, one week before the town was to choose its delegate, he was forced to admit that the Patriots had recovered and had increased their majority in the council to five. According to Campbell, the Patriot party: 'keep the Councillors so Closs that I can get no

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1. Captain Charles Campbell to Lord Milton, 10 May 1734; Saltoun 22.

2. Captain Charles Campbell to Lord Milton, 24 April 1734; Saltoun 22.

'Access to them, and besides the threatnings that the voters have gott I am told they have oblidgeed them to sign a paper Binding them to vote such a way'.(1)

This turn of events was another example of the talent displayed by Lord Grange for mustering public opinion behind his cause. He had recovered from a difficult situation in Stirling, where the Court seemed to be turning the affair of Ebenezer Erskine against him, by a counterattack which employed the same issue but reversed the arguments of the Government supporters. Grange had averted the danger of a serious riot, and followed this up by putting indirect pressure on the town council by encouraging the townspeople to hope for the restoration of their popular minister, not through the agency of the Earl of Hly as the Government supporters advocated, but through the General Assembly of that year. Lord Grange urged the Marquis of Tweeddale not to miss this opportunity, for:

'If we get something done to remove the offence of the strict People (who are all firm & earnest against the Court and abhorre E.I(la)y & Sr Robert Wallpole) about the Act 1732, and in consequence get the 4 outed Ministers brought in again, it will be a vast slur on Hly & greatly recommend the Patriots to the Country.....This will in particular oblidge (I hardly know any thing that can more oblidge) the Town of Dumfermline & allso Stirlie, Queensferry & Cullross, and likewise a great many in Inverkiething who by the Patriots doing so in opposition to the Court will not again adhere to Boquhan.....'.(2)

The Patriots adopted this policy, and the General Assembly of 1734 went a long way towards meeting Ebenezer Erskine and his party. Unfortunately, however, any compromise was abhorrent to Erskine,

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1. Captain Charles Campbell to Lord Milton, 11 May 1734: Saltoun 22.
2. Lord Grange to Lord Tweeddale, 29 March 1734: Yester 7044.

and the concessions offered were not sufficient to prevent Ebenezer Erskine and his party from breaking finally with the Church, but in the political field success was complete, as is evident from the complaints of the Government agent in Stirling:

'In short the Town are all madd with the hopes that the Assembly will Restore their Minister, the few friends I have in the Councill, and some Gentillmen in the Town, are threatned by the Jacobite sett that they & I should be turned out of the Town'.(1)

Thus, by skilfully playing on public sympathy for Ebenezer Erskine, Grange recovered his position in the town and carried Stirling with no further difficulty.

The decision to attempt to force a compromise through the General Assembly also paid political dividends in Dunfermline, which ultimately threw over Captain Peter Halket, although only after a bitter confrontation in the council chamber at the time of the meeting for choosing a delegate. Most of the arguments used at Dunfermline were repeated at the election meeting at Inverkeithing, so that they can be safely ignored at this stage, but the result was the election of James Erskine of Grange as delegate for Dunfermline by 13 votes to 8, the loser being Captain Halket.(2) Grange therefore had three towns in his favour, Queensferry, which had been the first burgh to declare for him, Stirling, and now Dunfermline. The town of Inverkeithing was once again firmly loyal to the Government, and it was now openly joined by Culross, as a result of bribery if Grange is to be believed. This remained the

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1. Captain Charles Campbell to Lord Milton, 11 May 1734; Saltoun 22.
2. Minutes of the Election of the delegate, Dunfermline, 16 May 1734: Mar & Kellie. GD124/25/2071/2.

situation when the delegates of the five burghs met at Inverkeithing on the 18th May 1734 in order to choose their representative.

It might be thought that with three votes out of five Grange had already secured his election, but elections were rarely concluded as easily as that, and Grange and his friends did not make the mistake of supposing that the Government would allow the election meeting to be conducted honestly. But in spite of their caution, Grange and his friends were completely outflanked by Henry Cunningham of Boquhan, the Provost and delegate of Inverkeithing. Although he was no longer a candidate and had in fact been Governor of Jamaica for a month, Henry Cunningham had been sent back to Scotland to work for a Government victory in the Stirling Burghs election, and after John Cant, the Town Clerk of Inverkeithing, had taken the necessary steps to qualify himself to act as returning officer, Henry Cunningham produced his commission as the delegate of the returning burgh. Cunningham's commission was approved by the other delegates without debate, as was that of Provost Wingate, the delegate of Stirling, and this procedure appears to have decided the course of the election, for it enabled Cunningham to claim the right to control the rest of the election meeting.(1)

The third delegate to produce his commission was James Erskine of Grange, the delegate of Dunfermline, but he received a very different reception. Henry Cunningham produced a string of objections to Grange's right to a vote, ranging from 'gross bribery and corruption, threatnings, acts of violence and by unlawful

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1. Minutes of the Election at Inverkeithing: Mar & Kellie
GD124/25/2071/1.

'combinations' to 'undue influence used by certain Noble Peers of this realm particularly by one possessed of a Jurisdiction interfering with the Jurisdiction of the Burgh of Dunfermline'.⁽¹⁾

Objections to Grange personally were added for good measure, and in particular it was alleged that a recent Act of Parliament⁽³⁾ which had disqualified Judges of the Court of Session from sitting in the House of Commons barred Lord Grange from taking part in the election meeting. All this wordy outburst was really quite irrelevant to the business in hand. In the first place, it was not competent to an election meeting in a District of Burghs to consider such questions, for they were only empowered to decide whether the documents produced by the delegates were authentic and had been duly sealed with the common seals of their respective towns. Moreover, all these objections shared one characteristic, they were all simple assertions of the Provost of Inverkeithing, who did not, and could not, produce a shadow of proof; in particular it is evident from Grange's known financial situation that he was unlikely to have engaged in much bribery. The joint expenses of Lord Grange and his nephew Lord Erskine, the candidate for Stirlingshire, from August 1733 to February 1734, amounted to only £195, almost all of it being spent on entertainment for the electors, which by eighteenth century standards scarcely constituted bribery.⁽²⁾ Undoubtedly the allegation concerning the influence of 'certain Noble Peers' had a good deal of truth in it, but it was again offered without proof, and was certainly a case of the kettle calling the pot black. The

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1. Minutes of the Election at Inverkeithing: GD124/25/2071/1.

2. Election account. GD124/67/G 784.

3. 7 Geo II, c.16 (1734)

personal objection to Grange as a Judge was no better. An attempt had been made to exclude Grange from Parliament by the clause barring Lords of Session among others from sitting, but no one other than Henry Cunningham had suggested that the Judges had been disfranchised, and this was the question under discussion. If a Lord of Session could vote as a freeholder in a county election, why could he not vote as a burgh delegate ? Grange of course was more than a delegate, he was also a candidate, but he had already put himself out of reach of the Act referred to by Henry Cunningham, for he had already resigned his seat in the Court of Session which he had a perfect right to do, for, as he put it, 'there is no law in Scotland tying any of the Judges to the Bench as the Laws of Scotland tyes a Coal-heugher to work in his coall pitt till dismiss'd by his employer'.(1)

A further objection was raised by Henry Cunningham, which on the face of it seems to have slightly more relevance. For some reason the precept issued by the Sheriff of Fife to the magistrates of Dunfermline, authorising them to hold their meeting to choose a delegate, had been wrongly dated, bearing that it had been signed by the Sheriff on the 13th May while it was already in the hands of the magistrates on the 12th. There does not appear to have been any political significance in this misdating, for the election itself was held after the date given on the precept, and it probably had some connection with the considerable number of precepts which had to be issued by the Sheriff of Fife. Cunningham, however, insisted that this error rendered the Dunfermline election void, and that no

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delegate could be received from that town. Again, although this objection was superficially more relevant, as relating to the commission of the delegate, it was in fact no better than the others, for if Dunfermline was to be disqualified from taking part in the election by the Sheriff's error, the same treatment should have been given to Inverkeithing where exactly the same thing had happened. Unfortunately for Grange, however, no objection had been made to Henry Cunningham of Boquhan's commission at the time it was presented.

After a long and increasingly heated debate between Grange and Boquhan, the meeting passed to consideration of the commission of Bailie John Rolland, the delegate of Culross. It was now Grange's turn to raise irrelevant objections in no way related to the validity of Rolland's commission, but what does emerge from the arguments engrossed in the minutes of the meeting is that in all probability the Culross vote was obtained by bribery. Grange asserted that the majority of the council of Culross:

'did last winter write a letter.....Craving from the person to whom the said letter.....was directed Money to be given them or their Community in view of this present Election, and that they are accordingly promised of late a Certain Sum of money which is contrary to law.....'.(1)

Now while admittedly an assertion is not evidence, there is at least a strong presumption of truth in the story, in that the reply made to Grange's allegation was very weak. In effect, it was replied that even if the story was true, while admitting nothing, the money was asked before the writ of election was issued. Henry

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1. Minutes of the Inverkeithing Election: GD124/25/2071/1.

Cunningham rather foolishly did not content himself with this inept reply, but went on to insist that no such objection was valid without proof, which immediately drew the retort from Grange that that was what he had been saying all along.

Finally, the delegate from Queensferry, Bailie Archibald Stewart, produced his commission, and he too was subjected to a bombardment of specious objections by Cunningham, who again alleged undue influence. This may well have been true, but the charges were again made without proof. Boquhan further alleged that Stewart's commission was also defective, for the precept issued by the Sheriff of Linlithgowshire did not bear the name of the Sheriff-Depute, but only that of the Sheriff-Principal.

This meant that only two commissions, those of the delegates of Stirling and Inverkeithing, had been sustained without objection, and now, according to Henry Cunningham's notions of procedure, this made the two unquestioned delegates the judges of the validity of the other commissions. Undeterred by the opposition of Provost Wingate, the delegate of Stirling, who refused to concur in this mode of procedure, Henry Cunningham pressed ahead, and by the use of his casting vote, which he claimed as delegate of the presiding burgh, rejected the commission of the delegate of Dunfermline, sustained the commission of the delegate of Culross, and then as there was no longer any reason to refuse the vote of Queensferry, admitted that delegate.

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The votes were then taken for the member of parliament, and Captain Peter Halket was declared duly elected by three votes to two, the third vote being that of Henry Cunningham in his role of preses. James Erskine of Grange naturally protested that he had been elected by the votes of three of the towns. The election was quite openly rigged by the Government interest, for the delegates in a burghs election, unlike the freeholders of a county, could not object to the claims of prospective voters, and use this as a reason for rejecting their votes, their only concern was to check the validity of the documents produced by the delegates in order to determine their authenticity. They were not in a position to assume similar powers to those of the freeholders, for the delegates were chosen at each election and consequently there was no Roll of unquestioned voters, and if every delegate was to be permitted to object to every other delegate there could be no election at all. If Henry Cunningham of Boquhan's interpretation of the electoral law had been correct, the delegate of the returning burgh, even if he was in a minority of one, had only to object to the other delegates and proceed with the election alone. All the question raised during the course of this meeting were beyond the powers of the meeting to decide and were matters for the Court of Session or Parliament to determine.

Captain Peter Halket nevertheless was the duly elected member of parliament for the Stirling District of Burghs, and he took his place in the House of Commons as such, although it was still an open question whether he would be able to retain it, for Grange had prepared a petition to be submitted when the new Parliament met.

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This was a particularly bad return which might easily be thrown out by the votes of the independent members of parliament and both parties took no chances. The election campaign continued without interruption throughout the summer as a precaution against another election being ordered, and the approach of the burgh elections at Michaelmas only intensified the struggle.

The Government agents gave most of their attention to the town of Stirling which was considered to be the weakest of Grange's three burghs, but feeling in that town was still strongly against Lord Hay. According to Captain Campbell's report: 'the folks here are still very Insolent, they were Drinking at the Cross Disapointment to L(ord) I(lay) and all his Designs, I hope you'll take Care to humble them'.(1) Nevertheless the Patriots were unquestionably on the defensive, for the result of the General Election had ended all hope of a majority in Parliament for the enemies of Sir Robert Walpole. If Grange was to lose control of Stirling it would render the petition to the House of Commons and the action contemplated against the returning officer pointless. How closely the parties in Stirling were balanced after the election can be seen in the value attached to a single vote, and that not in the town council but in one of the incorporated trades in the election of their deacon. Here Grange received unexpected assistance from the commander of the Castle garrison. The senior officer in the garrison of Stirling Castle always had considerable political influence in the town because of certain peculiarities in the military arrangements of that garrison. Although there was frequently a battalion or part of

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1. Captain Charles Campbell to Lord Milton, 10 June 1734; Saltoun 22.

a battalion of infantry of the line in Stirling, the permanent element in the garrison consisted of an independent company which was continuously stationed in the Castle. The soldiers of this company, when they were not required for military duties, practised various trades in the town, and as tradesmen they were members of their respective incorporations with the right to vote for their deacons. An Act of Council of 1728 had attempted to forbid the soldiers to take part in elections, but this appears to have been allowed to lapse and was probably enacted to serve the temporary purposes of the party then in power in Stirling council.(1) The Castle officers, therefore, were in a position to exert some influence in municipal politics through their men, and on this occasion Grange was assisted by Major Murray, the senior officer then present in the Castle. Murray ensured the absence of a soldier who wished to vote for a deacon opposed to Grange by putting him on guard on the day of the election, and when the soldier tried to exchange duty with another man he was transferred to a dungeon until the election was over. This action ensured that a deacon favourable to James Erskine of Grange was chosen.(2) Every vote was vital, for immediately before the burgh elections of 1734, Littlejohn, an ex-provost who had replaced Captain Campbell as the Court manager in Stirling, had gained so many votes that the state of the parties was twelve for Grange and nine for Littlejohn. (3) Certainly Sir James Campbell of Ardkinglas was convinced that it was through the

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1. 'Act rejecting the taylors and fleshers leets etc', September 1728. Extracts from the Records of Stirling 1667-1752, pp.202-3
2. Sir James Campbell to Brigadier Moyle, 3 October 1734; Saltoun 22.
3. Mrs Mary Campbell to Lord Milton, 13 September 1734; Saltoun 22.

'Indirect practises of Major Murray that His Matie. and his best freinds have lost this Town'.(1)

The Michaelmas elections of 1734 culminated in a violent attack by armed townsmen upon the leading Argathelian gentlemen of the district, including two members of parliament, during which several gentlemen were injured.(2) This riot was the real conclusion of the election of 1734. The rejection of Grange's petition forced a relaxation of political activity in the spring of 1735, when it became certain that Captain Peter Halket would retain his illegally acquired seat for the duration of that Parliament. James Erskine of Grange, although sitting as the member for Clackmannanshire, continued to act for the Stirling Burghs in Parliament, presenting their petitions and supporting their causes, writing to them every week throughout the session, and in other ways continuing to cultivate his interest in the constituency in preparation for the next General Election.

The election of 1734 in the Stirling Burghs was an unusual one in many ways, having been fought first and foremost on issues of principle, with bribery and jobbery coming a very poor second. The campaign started with the issue of the Government's conduct in Parliament, but while the Excise Bill never completely disappeared as an issue, it was certainly overshadowed by a specifically local issue of paramount importance to the people of this District, the

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1. Sir James Campbell to Brigadier Moyle, 3 October 1734: Saltoun 22.
2. Gabriel Napier to Lord Milton, 31 October 1734: Saltoun 22.

question of the fate of their popular minister. The election shows that it was possible to carry an election against the full weight of Government, given such an issue, for there can be no question that the Government made every effort to keep Grange out of Parliament. The thousand pounds which Henry Cunningham brought to Scotland was unlikely to have come from his own pocket, and in spite of that money, and whatever Captain Campbell and Captain Halket expended during the campaign, it was all to no avail, for it was still necessary to openly rig the election and make a false return in order to get a Government candidate into Parliament.

The election is remarkable for the assiduous cultivation of public opinion by the Patriots, and by James Erskine of Grange in particular, for he was well aware that the burgh oligarchies were much more dependent on the general population of their towns than is often allowed. The self-election which was written into the burgh setts is not the whole story, for most of the councillors were involved in trade in one way or another, and this implied a dependence on customers who could take their trade elsewhere when an issue was clearly stated as it was in the Patriot propaganda.

The election also shows the great influence possessed by a Bailie of Regality even at that late date, for there can be no doubt that this was the great concern of the Dunfermline councillors. In that town in spite of the efforts of the burgh ministers, public opinion, and a genuine desire to oblige the Marquis of Tweeddale, the issue was long in doubt because the council hesitated to incur Captain Halket's enmity without proof that he had broken with the Marquis.

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This uncertainty was caused by the Marquis himself through his reluctance to dismiss his Bailie. It is unnecessary to visualize any very dramatic acts of oppression by the judges of this feudal court in order to explain the councillors apprehension that Captain Halket would take his revenge. The Regality Court was very active, hearing mainly commercial cases, and the backlog was considerable. It would be the easiest thing in the world for a Bailie-Depute to allow a case brought by someone out of favour to languish for a year or two at considerable expense to the litigant; anything more dramatic in a court located so close to Edinburgh would have been speedily redressed by the Court of Session. It was in criminal matters that a Regality Court was most independent, and there is little evidence that the Dunfermline Regality made much use of its criminal jurisdiction. Altogether the Stirling Burghs election of 1734 was a remarkable one, fought on unusual grounds and by a mixture of old and new methods, but the final result was determined by the oldest political expedient of all, a false return in favour of the Government candidate.

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Chapter Eleven.

Burgh Politics 2.

James Erskine of Grange successfully maintained his interest in the Stirling Burghs, in spite of all that the Government could do, for the full duration of the 1734 Parliament, which was a remarkable achievement for a man of modest resources, and he represented the District in Parliament from 1741 to 1747, having outlasted his enemy Walpole. Most of the interest in this period is to be found in Stirling, where majorities in council were seldom certain and the Court continued to make its greatest efforts. At Michaelmas 1735, for example, Grange and his friends were almost eliminated from the council of Stirling, but once again Ebenezer Erskine came to the rescue of his friend. Two of the leading men in the council, Gibb and Gillespie, had joined forces against James Erskine of Grange, who was to be put out of the council at Michaelmas and Gibb made Provost. Together Gibb and Gillespie had a clear majority in the council so there was little Grange could have done to avert defeat, but when the day came it was Grange who became Provost. The cause of Gibb's defeat is best explained by a Government agent who was in Stirling on the day of the election:

'What lost Gibbs Election was this. It seems Gillespies mother hapned to drown herself some months agoe, and in a week days preaching on tuesday by that worthy patriot Mr. Ebenezer Erskine, whether out of design or folly I know not, He in setting furth the Temptations of the Deville in this town pointed in so lively a way at this accident of drowning that the whole Eyes of the people turned on Gillespie. How it struck Gillespie in the head Lord knows but as Mr. Erskine stays in Gibbs house he

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'imagined Immediately that Gibb had put it in Mr. Erskine's head, upon which he turned Tail to Gibb and joined in with Grange and on Wednesdays night some of Gibb & Gillespie's parties were at Blows about it. Gillespie had a considerable party in the Council which gained Mr. Erskine his Election. However I cannot think Gibb & Gillespie have been great friends before, otherways Gillespie could not have suspected Gibb for Mr. Ebenezer's conduct.....'.(1)

The Government always had so many good things to give away, however, that it could never lack a party in any town for long. Soon a new agent took charge of the Government interest in Stirling, James Christie, a clothier in the burgh. Christie offered to secure a majority in the council for Government if he was given sufficient support. He was extremely critical of Lord Milton's cousin, Captain Charles Campbell, who had formerly managed the Court interest in Stirling, and denounced his parsimony, declaring that the Captain 'wou'd not spend one sixpence with the party here, and he went away without saying adeu to my self or any of our freinds'.(2) Captain Campbell, however, had spent his own money in 1734 in the hope of securing election as the Court candidate, and presumably he had no intention of continuing to throw his money away in order to nurse a constituency for the benefit of somebody else. Christie, in spite of his criticism of Campbell, was in politics for what he could get out of it, as his letters testify. He had a son who was a midshipman in the navy and who was:

'Immediately to pass his Examination for a Lifeternancy and I am pritty sure of his abilities if he cou'd have Intrest to get it to him for these six years he has not been one hour out of service

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1. Archibald Campbell to Lord Milton, 26 September 1735: Saltoun 399.
2. James Christie to Lord Milton, 5 September 1739: Saltoun 31.

'and 5 of these years in the west Indes. Your Lordships takeing the trouble to write My Lord Ha could Immediately get it and will forever laye me under the deepest obligationes to be your Lordships perpetual Servant.....'.(1)

Milton and Hay must have thought so too, for the following year saw young Christie made a lieutenant of a new man-of-war commissioned at Deptford.(2) Christie went on to ask for the clothing contract for the Black Watch, 'for the Incouradgement of our Scots Manufact-orys.....this Jobb wou'd employe many poor familys in the Country', (2) and for appointment as the sutler of the Stirling garrison.(3) James Christie's schemes of management always seemed to call for a great deal of assistance from the Government, and substantial incidental profit for himself. Christie's plans hinged on his obtaining possession of the King's Park, the Crown lands attached to Stirling Castle. He repeatedly urged that when the existing leases expired the grass parks should be leased to him, whereupon he would sublet portions of the parks in order to attach members of the town council to the Government.(4)

Stirling councillors were bribed or threatened into compliance with the wishes of the Court, although it would appear that it was only the great men of the burgh like Christie who actually received many tangible tokens of the Government's gratitude. With the lesser

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1. James Christie to Lord Milton, 2 April 1740: Saltoun 33.
2. James Christie to Lord Milton, 16 January 1741: Saltoun 35.
3. James Christie to Lord Milton, 8 July 1741: Saltoun 35.
4. James Christie to Lord Milton, 5 September 1739: 'I had agreed with Gillespie....who is our eldest Baillie, to give him six akers and each of his freinds 4 akers in the park to accomodat them for Summer Grass & winter forage.....for this they were to make a majority in the Toun Councell to bring in My Lord Hay's freinds'. Saltoun 31.

men threats were more common than gifts. Councillor Stevenson, for example, had been involved in the riot at Stirling in the autumn of 1734, and he was informed by Christie that 'the process before the Justiciary at the Crouns Instance was still hanging over his head & if he transgressed those who assisted to bring him of may also get the affair moved againe, at least for £30 of Expences'.(1)

Stevenson did not take the threat seriously, however, and although not hostile to the Government voted with Grange. Once again it was religious considerations which defeated the councillor's self-interest. According to Christie, Stevenson acted 'out of no prejeduice against me or party, but to be revanged of my Brothers for Crossing him in the Election of a Minister by votting for Mr. McQueen in place of Mr. Ferryler, (who is a grate Ebenesirite)'.(1)

The support of the Seceders undoubtedly was extremely valuable to the Grange interest, and goes a long way towards explaining Grange's success in the election of 1741. Grange, however, continued to make interest by other methods, and in particular he arranged for the distribution of written propaganda. In December 1739 James Christie explained Grange's methods in a letter to Lord Milton, in which he informed him that:

'haveing mett with two of Mr. Erskines letters containing some speeches in Parliatt. with his own observationes on them I thought fitt to take ane Coppey of them & Inclose them to your Lordship. If they are worth while I cou'd get them weekly, the originals comes to Tho. Eliot at Edr. weekly wt that paper called Common Sense & after Mr. Eliot has shoven them to his freinds there he sends out ane Coppey of the letter with the news paper evry saturday to this place, which is carefully handed about all the Jacobites both in Toun & Country, and then to those who are displeased with the present ministry.....'.(2)

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1. James Christie to Lord Milton, 17 September 1740: Saltoun 33.
2. James Christie to Lord Milton, 11 December 1739: Saltoun 31.

Grange retained control of the marginal burgh of Stirling, but in that town he almost certainly was forced to bribe voters on occasion. At the Michaelmas elections in 1741, for example, there was one vacancy to be filled in the council. Shortly before the election it became known that all the councillors would attend, and of these Grange could count on ten to Christie's eight, but the Government manager, after a great deal of work, won over two of Grange's party to vote for George Munro, a friend of Christie, so that the position was reversed. But during the night before the election, Councillor King, a member of Christie's group, joined Grange, and the council divided nine against nine.(1) Christie's brother, the Dean of Guild, then gave his casting vote in favour of Grange's friend and the Government interest was narrowly defeated. Christie advised Lord Milton that this reversal had cost Grange one hundred guineas and there is no reason to doubt his estimate, for overnight changes of opinion certainly imply bribery or other pressure.(2)

Although James Erskine of Grange was chosen to represent the District at an election meeting held at Dunfermline on the 1st June 1741, a constant struggle was waged by the opposing factions to maintain or increase their respective interests at the annual Michaelmas elections. The fact that no opposition was made to Grange in 1741 is the measure of his success at the time of the election, it does not imply that he had established any permanent control of

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1. James Christie to Lord Milton, 19 September 1741: Saltoun 35.
2. James Christie to Lord Milton, 25 September 1741: Saltoun 35.

the District. The town councillors, individually and collectively, could be influenced in a variety of ways, they could even be bought, but whatever they might protest to the contrary in their letters they were no man's servants. If votes were for sale, it was a sellers market, and any politician who was misguided enough to rely on hereditary influence to maintain his interest was liable to have a rude awakening at election time. In normal times, the burgh councillors expected to be liberally rewarded for their friendship, but they were just as ready to resent any attempt at dictation by a great man as were the county freeholders if that dictation was not accompanied by the expected bribes. Consequently, James Erskine of Grange, who was not a wealthy man and who had no access to patronage, could not have been expected to retain his position for much longer than he did, and he had faded from the political scene long before the next contested election in July 1747.

James Erskine of Grange was not a candidate in 1747, but there was no shortage of aspiring members of parliament. There was Sir Peter Halket of Pitfirrane, a baronet with an estate in the vicinity of Dunfermline, (the Captain Halket elected by Court influence in 1734) who was opposed by George Haldane, an officer of the 3rd Foot Guards and a member of the influential Whig family of Gleneagles.⁽¹⁾ Eventually the field was reduced to Halket and Haldane, but at the beginning of the canvass Colonel James Cochrane of Ochiltree and Culross, an officer of the Royal Marines, was an active candidate,

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1. George Haldane was the eldest son of Patrick Haldane of Bearcrofts, who succeeded to the Gleneagles estate in 1758.

while Laurence Dundas of Kerse, a Stirlingshire gentleman who had made a fortune as a military commissary during the Rising of 1745, was also sounding the Burghs. With so many candidates in the field the burgh councillors were slow to commit themselves to any one but quick to ask favours from anyone who might have influence. In the town of Inverkeithing, for example, the chief interest was that of Provost John Cunningham of Balbougie, who continually pestered the friends of the Duke of Argyle for patronage. One of Lord Milton's correspondents complained of Cunningham:

'who they tell me has the Town of Innerkithing & says he's a friend to our friend, for I never saw him, but I wish you would get somebody to School him for he has taken it in his head to write to me once a week wt a hundred & fiftie demands in each letter, & which is more has got a Brother who I never saw either who writes to me from Flanders packets as big as Clock bags wt letters inclosed to other folks in ym for wch I have five or six shillings to pay, desiring advancement in the army.....'.(1)

But it should not be thought that Provost Cunningham neglected the interests of his town in favour of personal matters, for in a letter which he wrote to Lord Milton demanding a public office either for himself or for his father, he went on to remark that:

'as its said application is makeing, that the Town of Dunfermlin should be the place for the Sherriff Court in our quarter of Fyffe, your Lordship will excuse me for letting you know, that the Town of Innerkithing is much more Centrical then Dunfermline and as Innerkithing upon every occasion for these many years past, have shown their regard for his Graces Interest, they apply for your Lordships interest in this matter and considering the behaviour of Dunfermline, Innerkithing hopes they are fully as well intituled to this favour as the other.....'.(2)

The abolition of the heritable jurisdictions after the Rising had created a need for a new court in West Fife to replace the former

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1. John Maule to Lord Milton, 26 May 1747: Saltoun 66.

2. Provost John Cunningham to Lord Milton, 18 May 1747: Saltoun 64.

Regality Court of Dunfermline, but the alteration in the structure of the provincial courts offered many possible appointments for local men of influence who had the ear of Government. One of the most influential men in the town of Stirling, John Finlayson, the Commissary of Dunblane and Sheriff-Clerk of Stirlingshire, was as ready as Cunningham to seize his opportunity to do something for himself by asking for an office which might enhance his local prestige, pointing out to Lord Milton that as Lord Justice Clerk:

'no doubt your Lordship will have in a great measure the Recommendation of Proper persons to be Sheriffs Depts. of the severall shyres. May I therefore presume to Beg the favour of your Lordship to Recommend me when a proper occasion occurs to be Sheriff Substitute of this Shyre since I cannot be a Dept. It will cost but your Lordships word and may be of use to me now that my sone is Notary publick & can officiat as Clerk Dept'.
(1)

In 1747 it was generally assumed in Scotland that, as on previous occasions, Government patronage and influence would be in the hands of the Duke of Argyle, but this was not the case, for patronage was directly distributed by the Pelhams and the Duke of Cumberland. The Duke of Argyle himself admits that:

'the reason I shall come down late is, that in the shape things stand, I should only draw crowds of people about me, & make a most wretched figure, by being neither able to reward, punish nor in some cases to protect my friends, all which would appear in a more glaring light if I was now at Edenburgh than here at London. The list of Peers you see is filled with those who whispered themselves into favour with the duke of C(umberland) Sr Everard or the Aid de Camps all which I cannot help, & there is no remedy for it....Mr. Pelham is the only one of the Ministers who seems to know what they are doing....'.(2)

Argyle, naturally enough, was not prepared to disclose his lack of

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1. Commissary John Finlayson to Lord Milton, 22 May 1747:
Saltoun 64a.

2. Duke of Argyle to Lord Milton, 23 June (1747): Saltoun 63.

influence, and two of the candidates, Halket and Cochrane, made what interest they could by professing to be Argyle's friends. Colonel George Haldane, on the other hand, claimed to be recommended to the Burghs by the Duke of Cumberland, whose patronage carried great weight in the garrison town of Stirling.(1) Sir Peter Halket received encouragement from Lord Milton and the Duke of Argyle, for the latter believed that Halket would be 'far the most agreeable' in London.(2) However, the Duke was obliged to declare publicly for Colonel Halket before he had an opportunity to study the political situation in the Stirling District, for he was alarmed by the possibility of a successful intervention by Laurence Dundas whom he considered to be 'manifestly an enemy'.(2) In fact Argyle would have been prepared to accept almost any other candidate in order to keep out Dundas, for he regarded him as 'a mortal Enemy & that he was the spring & author of all or most of the mischief against all our friends when he attended the Army'.(3) Apparently Laurence Dundas aspired to an important role in politics as early as 1746, and in view of his ambition the Duke was right to fear him, but Sir Peter Halket, on the other hand, proved to be a very unsatisfactory candidate for the Argyle interest.

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1. John Finlayson to Lord Milton, 19 June (1747) The council of Stirling 'Sayd....that Mr.Geo.Haldan had been Recommended to them by his Royal Highness the D. of Cumberland but what truth is in this I know not, only I think I have heard it sayd that Sir Everard Falkenar had mentioned in one of his letters to the magistrates when they were applying for repairing of the Bridge That if they did Elect Mr.Haldan to Represent them it would be acceptable to his R. Highness.....'. Saltoun 64a.
2. Duke of Argyle to Lord Milton, June 1747: Saltoun 405.—
3. Duke of Argyle to Lord Milton, 12 July 1747: Saltoun 405.

The plethora of candidates kept the political situation open until the very eve of the election of the delegates. All the burghs wanted a candidate who would be acceptable to the Government, and although James Erskine of Grange wrote long letters to the towns the time for that was past, but the remaining candidates all professed friendship for the Administration.(1) All the towns wanted to support the ultimate winner, and accordingly they listened to them all, took what they could, and waited for another town to commit itself.

The situation was further confused by the continuing interest shown in the District by Laurence Dundas, who was having considerable difficulty in carrying the Linlithgow District of Burghs where he was a declared candidate, while wild rumours spread through the towns concerning other possible candidates who might yet come forward. Captain Robert Haldane of Flean, commander of the East Indiaman Prince Edward, was one of those suggested as a possible candidate, but since he was then on his way to China this was the most improbable of several unlikely stories, but the fact that such stories were given credence says a good deal about the state of mind of the people of the District.(2)

At the beginning of June only one candidate had succeeded in securing a town, Colonel Cochrane, who controlled the vote of Culross.(3) Sir Peter Halket naturally hoped to secure Dunfermline

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1. Mrs Mary Campbell to Lord Milton, 18 June 1747: 'Grange writes down long letters to the town but its thought he has not the Smallest Chance for it....'. Saltoun 63.
2. Lord Timwald to Lord Milton, 23 June 1747: 'Robert Haldane's standing is split new to me I cannot believe it is true it's at least improbable, he is now in or in his way to China'. Saltoun 64a.
3. Sir Peter Halket to Lord Milton, 11 June 1747: Saltoun 65.

where most of his influence lay, but the remaining towns were completely open and Dunfermline itself none too certain for Halket. Colonel Cochrane, like Sir Peter Halket, insisted that he was for the Duke of Argyle, but he went further and insisted that Sir Peter was not Argyle's candidate, but had been put up by the Lord Justice Clerk without the Duke's consent. Sir Peter advised the Lord Justice Clerk that:

'Coll. Cochran this day, and I suppose all along asserted, that you had desired me to stand without directions from the duke of Argyle, for upon the ninth of June His Grace told him, that he did not meddle in these Elections, (it was upon the eleventh June you spoke to me) these assertions do hurt.....'.(1)

Cochrane's story is probably correct, for in the position in which Argyle found himself in 1747 he may have been tempted to refrain from meddling in the Stirling District. It was Fletcher of Milton, the Lord Justice Clerk, who had suggested Sir Peter Halket as a candidate worthy of Argyle's support, and there is every reason to suppose that the latter changed his opinion and decided to intervene in the District chiefly in order to prevent Laurence Dundas from increasing his influence in the Stirling Burghs.

The uncertainty seriously damaged the established Argathelian interest in the burgh of Stirling, where so much time and effort had been expended in order to eliminate the interest of James Erskine of Grange. Lord Milton's cousin, Mrs Mary Campbell of Boquhan, when acknowledging receipt of one of his letters which had been brought to her by John Finlayson, the Sheriff-Clerk of Stirlingshire, informed his lordship that:

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1. Sir Peter Halket to Lord Milton, 11 June 1747: Saltoun 65.

'he staid an hour and return'd to deliver Compliments from me to Severalls in the present Councell of Sterling and is to use all the airt he Can to keep & make friends. I have wrote a Letter to Provost Wallace who is a man of the best sense in the place and present Provost and another Letter to the Eldest Baillie who is a Tenant in Boquhan, both these have ever professed their attatchment to the Family of Argyll and their Intrest I hope they shall at this Election Show it, if Sir Peter Halket is to be the Dukes Choice I am Convinced he will be Agreeable to the most of the place at least who we call friends. I never doubted but Mr. Haldanes Son had our Dukes Authority for Setting up or this day'.(1)

But when Finlayson returned to Stirling from Boquhan he discovered that he was too late to make a party for Sir Peter Halket, even with the assistance of Argyle's friends, for, as he reported to Milton:

'after I returned here I was with Two of the magistrates with whom I had most to say and they Plainly told me That the Provost and a majority of the Council had fourteen days ago determined to be for Mr. George Haldan.....and one of them told me that matters were so forward that they expected Mr. Pat. Haldan here this week or the Latter end of the nixt In order to make him ane Actual Burges & Guild Brother to qualify him to Act as Delegate for this Burgh at the Ensuing Election. I told him that it was a very Rash & Imprudent Step for them to Engage themselves Before they knew what was his Grace the D. of Argylls sentiments of the matter, That his Family have alwise been justly Esteemed Patrons of this Burgh & that their Inclinations have alwise been much followed by every Councill who regarded the Intrest of the place. They sayd they were sorry that his Grace had not Discovered his Inclinations sooner, That they could not now retract, and further that Mr. Geo. Haldan had been Recommended to them by his Royal Highness the D. of Cumberland.....'.(2)

Clearly the situation in Stirling gave Sir Peter Halket no cause for optimism, and equally clearly there had been gross mismanagement on the part of the local representatives of the Argyle interest who should certainly have kept the Lord Justice Clerk better informed of developments in the town. Finlayson and Sir Peter did not give up the town without a struggle, however, and they still had some room for

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1. Mrs Mary Campbell of Boquhan to Lord Milton, 18 June 1747: Saltoun 63.

2. John Finlayson to Lord Milton, 19 June 1747: Saltoun 64a.

manoeuvre. In the first place there were not two parties in the town council but three, for Colonel Cochrane also had friends in Stirling, and in particular Provost Wallace who was his factor.(1) One of the magistrates who had promised his support to Haldane, Bailie Maiben, was approached privately by Finlayson, who told Maiben that the Lord Justice Clerk:

'expected that he would not be determined as to his vote untill he knew his Graces (Argyle's) sentiments as to the person he thought properest, and as I understood that he had been engeaged wt others for Mr.Haldan this gave him some uneasiness as I easily perceived and he said that he could not refuse any of your Lops. commands but desired to see my authority under your Lops. hand.....'.(2)

Similarly, the Deacon Convener was approached through the agency of the Clerk of the Convener Court, Mr.McKillop, who was Finlayson's son-in-law. The Convener had not been consulted by the magistrates when they had reached their decision to support Haldane and this had annoyed him. Consequently there was some hope that he might be persuaded to vote for Sir Peter Halket and he might perhaps draw some of the other Council Deacons after him.(2)

Inverkeithing was clearly going to go with the highest bidder, for when Sir Peter Halket visited that town Provost Cunningham declined to see him, pleading illness as his excuse, but the Provost's father informed Halket:

'that in September they had been spoke to by Mr.Haldane, but there ingagement with him was only upon the supposition of his sons being the duke of Argyle's man, he declined explaining himself any further, he goes over(to Edinburgh) the beginning of next week your Lordship will soon see where he stands....'.(3)

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1. John Finlayson to Alexander McMillan of Dunmore, 3 July 1747: Saltoun 64a.
2. John Finlayson to Lord Milton, 19 June 1747: Saltoun 64a.
3. Sir Peter Halket to Lord Milton, 15 June 1747: Saltoun 65.

Provost Cunningham was completely in control of the council of Inverkeithing for he had the support of thirteen of the ordinary council members and five deacons, while the only other interest in the town, that of Sir Robert Henderson of Fordel, could only muster ten votes.(1)

Queensferry was more evenly divided. Bailie Stewart, who had been a friend of James Erskine of Grange, led one party in the council, while Bailie Dick, a former servant of the Earl of Hopetoun, headed the other. Bailie Dick was still considered to be under Hopetoun's influence, but on the other hand it was also reported that he frequented the Hawes Inn, which was kept by one MacLaren, a former servant of Haldane of Gleneagles.(2)

The burgh of Dunfermline was also divided in sentiment. Halket, as a prominent laird of the neighbourhood whose family had always taken part in the town's politics, had a substantial interest. On the other hand, the manner of his election in 1734 was held against him by some of the councillors, and Henry Wellwood of Garvock, another important neighbour of the burgh, was reported to be more favourable to Colonel Cochrane's pretensions. The Colonel, moreover, had employed Mr. Black, the Town Clerk of Dunfermline, to treat the councillors in his name, which was always a good beginning to a campaign.(3) Halket, however, remained convinced that he could secure the vote of this town.(2)

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1. 'Council of Inverkeithing 1747': Saltoun 363.
2. Sir Peter Halket to Lord Milton, 15 June 1747: Saltoun 65.
3. William Wilsone to Sir Peter Halket, 15 June 1747: Saltoun 67.

For a politician, Sir Peter Halket appears to have been unusually gullible. He seems to have accepted without question an offer of assistance made by Captain Basil Cochrane, a younger brother of Colonel Cochrane. Sir Peter accepted Captain Cochrane's offer to precede him to Stirling and there to speak to those councillors with whom he had influence.(1) Captain Cochrane visited Stirling, but not to promote the interest of Sir Peter Halket, as the latter discovered when he reached that town on the 19th June:

'Captain Cochrane has been doing all in his power for his Brother the Colonel', complained Halket, 'and in place of making my Compliments to some here who are engaged to Mr. Haldane but would have been for me if he could not succeed he has been engaging them in that event to be for the Colonel....'.(2)

With Cochrane, Halket and Haldane all actively canvassing in the burghs, a great deal of attention was given to the collection of second preferences, or engagements by voters that in the event of the candidate they favoured being unable to carry the election they would transfer their support to one of the other candidates. This development made it very difficult to predict the outcome. At the end of June, for example, it was reported that 'Coll. Cochrane is come down wt £1000 in his pouch. He is sure of Culross and bids fair for Queens ferrie in that case great weight should be laid upon

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1. Sir Peter Halket to Lord Milton, 18 June 1747: 'Captain Cochran I found had spoke to some of the Councillours (of Culross) and I am persuaded is doing good service in Sterling, where I shall be tomorrow morning. If your Lordship sees the General it will be right that he should be spoke to, that Captain Cochrane may be left when the Regiment marches to the north, he is not only a Councillour but has a good deal of interest in Culross....'. Saltoun 65.
2. Sir Peter Halket to Lord Milton, 19 June 1747: Saltoun 65.

'Stirling, Sir Peter Halket says he has it; but Mr. Haldane says no, I do not know which of them to believe'. (1) There was even uncertainty as to which candidate had the good wishes of the Duke of Argyle, for at this election the Duke had no more than good wishes to give. Sir Peter Halket's position in Stirling had not been improved by the actions of Mrs Mary Campbell of Boquhan. According to Sir Peter:

'In a letter I saw from Mrs Mary Campbell, she observes, that she has only been writ to in General terms and that I have not been named to her, there is a necessity for its being understood that I am the person His Grace recommends, for Mr. Haldane told some of them (who stood to it that they would be for My Lord Dukes man) that it was upon that footing he stood, and that he would give it up if he desired him, this has some influence, and makes them pressing for some further satisfaction.....there is a majority just now against Mr. Haldane.....'. (2)

Mrs Mary Campbell was a woman of some independence, although very loyal to her chief the Duke of Argyle, but apparently she was more concerned to ensure that victory went to a candidate professing friendship for the Duke rather than to support Sir Peter Halket in particular. The reason for Mrs Campbell's actions is to be found in a letter which she received from Bailie Gillespie, one of the leading members of the council of Stirling, who informed her that:

'The most pairt of the Counsell met upon thursday last and agreed that they should give their Intrist to Capt. Haddin for the town of Stirling heath been much oblinded to Mr. Haddin. We was Informd that he had the Dewk of Argeylls Intrist, I desaird him a month ago to procure the Dewks Intrist which would make things go weell with him. I can not seperat from the pairtay I am Ingaged with, But will be for agreeing with any thing that will be most for advanteg of the Fleace & wishes the Dewk of Argeylls Intrist were weell.....'. (3)

If Bailie Gillespie was correct, and there is no reason to question

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1. Alexander McMillan of Dunmore to (Lord Milton ?) 30 June 1747: Saltoun 66.
2. Sir Peter Halket to Lord Milton, 25 June 1747: Saltoun 65.
3. Bailie Thomas Gillespie to Mrs Mary Campbell of Boquhan, 20 June 1747: Saltoun 65.

his statement because it conflicts with Halket's account, Haldane was going to secure the vote of Stirling, and Mrs Mary Campbell was concerned to prevent any impression that the Duke of Argyle's interest had suffered a setback.

By the end of June Sir Peter Halket had gained the support of most of the Dunfermline councillors, but the vote of a single town was of little use to him, for even this might be lost to him unless he seemed likely to carry the election as the Haldane faction had been pressing Dunfermline to give their second preference to George Haldane. According to the Laird of Garvock:

'yesterday Glenagies and his Brother Mr.Pitter Halden dined in this place with the Counsill where there was abundance of Drink. I judge there designe was to divert their Chusing their Deligat for some tyme, all that they seemd to pretend to was in case Sr Pitter Halket could not Cary the Election that they would prefer Mr. Halden.....be assured Sr Pitter is sure of this Town....'.(1)

But Sir Peter could not count on Dunfermline continuing to support him unless he could secure another town fairly quickly, for Dunfermline like the other burghs wished to support the likely winner.

John Cunningham, younger of Balbougie, the Provost of Inverkeithing, had been present at the entertainment in Dunfermline in company with the Laird of Garvock and Patrick Haldane of Bearcrofts, the father of George Haldane, and the Provost had gone on to Valleyfield, the residence of Sir George Preston another influential local laird, as a member of Haldane's party. Apparently therefore Provost Cunningham was still playing all of the candidates, for he was also frequently seen in the company of the Cochrane.(2)

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1. Henry Wellwood of Garvock to Mr.Hamilton of Pencaitland, 1st July 1747: Saltoun 67.
2. Major Cochrane to Lord Milton, 14 July 1747: Saltoun 64.

Provost Cunningham had two considerations to bear in mind. In the first place he was attempting to put Inverkeithing into the position of being able to elect the member of parliament by its vote casting the balance between the candidates. Halket was aware of this intention, for he asked the Lord Justice Clerk 'for instructions how to act in the event of the Elections being secured by Mr.Cunninghams vote'.(1) On the other hand, Provost Cunningham would almost certainly have preferred either Colonel Cochrane or Captain George Haldane to win the election all things being equal, for although Cunningham had a good majority in the council of Inverkeithing there was also a substantial opposition, and in that town, where councillors were chosen for life, an opposition could not be eliminated at the Michaelmas elections, and the enemies of Provost Cunningham supported Sir Peter Halket.(2)

In spite of the resolution of Bailie Gillespie and his friends that Stirling should support George Haldane, Sir Peter Halket's friends continued to fight, and not without success, for according to John Finlayson, Sir Peter had secured by the end of June eleven out of the 21 members of the council. Unfortunately, however, one of Halket's original supporters chose that moment to go over to George Haldane, 'By which he will carry his point because the Dean of Guild who is prases has the Casting vote and is on Mr.Haldans side of the question'.(3) Even this was not decisive, however, for Stirling

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1. Sir Peter Halket to Lord Milton, 9 July 1747: Saltoun 65.
2. Sir Peter Halket to Lord Milton, 25 June 1747: 'tomorrow I dinne at Innerkething, those in the opposition to Mr.Cunningham will be most of them for me which will make matters there easie...'. Saltoun 65.
3. John Finlayson to Alexander McMillan of Dunmore, 3 July 1747: Saltoun 64a.

would only support Haldane in the event of his having a good chance of success, and as yet he had no other town. Haldane's position was strengthened, however, by Colonel Cochrane's declaration that if he could not carry the election for himself he would give his interest to George Haldane rather than to Sir Peter Halket, which caused a good deal of surprise in Stirling, and if a genuine coalition did take place it would be very difficult for Halket to resist.(1) But such a contingency was fairly improbable at this stage, and Halket does not appear to have been unduly alarmed, for of course neither of his rivals was willing to stand down in favour of the other. Sir Peter believed that:

'If Coll. Cochrane is given to understand, that it depends upon him to make either Captain Haldane or me the member, and that one of us two will certainly be it, he may perhaps consider upon the consequence of securing the Election for the Captain in opposition to me sett up by the duke of Argyle and Mr. Scott says with Mr. Pelhams approbation....'.(2)

The Haldane interest in Stirling had first intended to choose Peter Haldane of Bearcrofts, the father of the candidate, as their delegate,(3) but this scheme subsequently had been opposed by the Cochrane interest in the town, since the elder Haldane was unlikely to vote for anyone but his own son even if George Haldane was unlikely to carry the election. The Haldanes however were wise enough not to make a great point of securing the position of delegate for themselves. Instead they concentrated on securing the necessary promises for George Haldane whoever was to be delegate, and that was the essential matter. Threats were freely employed by

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1. John Finlayson to Alexander McMillan of Dunmore, 3 July 1747: Saltoun 64a.
2. Sir Peter Halket to Lord Milton, 9 July 1747: Saltoun 65.
3. John Finlayson to Lord Milton, 19 June 1747: Saltoun 64a.

the Haldane interest to secure these promises. Bailie Maiben, one of the Lord Justice Clerk's dependants, was postmaster at Stirling, and as Sir Peter Halket relates:

'came to me in a fright and told me, that Mr. Haldane had been there for two days, that he had been threatened with being turned out of his bread if he did not vote for Captain Haldane, and that they had given him as post master a letter for Captain Haldane to be forwarded in which they desired him to speak to Sir Everard Falkoner Post Master General that he might keep in this man or turn him out as he should vote upon this occasion'(1)

The Haldanes, moreover, skilfully played on the vanity of Colonel Cochrane's friend, Provost Wallace, being considerably assisted in this by Sir Peter Halket's friends who had put up Provost Christie, Wallace's predecessor as chief magistrate and his deadly rival in municipal politics, as a candidate for the office of delegate.(2) This Wallace could not abide, and in fact the dispute in the burgh was only marginally related to the election in progress, for, according to one of Christie's friends, Provost Wallace wanted 'to carry things on his own Intrest and on that accot. struggled hard for a majority to form his party agt Michaelmas first'.(3)

Throughout the contest Haldane continued to protest that his son stood in the interest of the Duke of Argyle;(3) this was not true, but the Duke had not nailed his colours to the mast for Sir Peter Halket, and this left the Argathelian faction in Stirling with a way of escape when it became certain that they could not carry the election of a delegate in Sir Peter's interest. Provost Wallace appeared certain to secure his own election as delegate, although

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1. Sir Peter Halket to Lord Milton, 25 June 1747: Saltoun 65.
2. John Finlayson to Sir Peter Halket, 9 July 1747: Saltoun 64a.
3. John Finlayson to Lord Milton, 10 July 1747: Saltoun 64a.

not without some trouble, for according to Finlayson, Provost Wallace's party:

'had 2 of their Deacons carryed for two days before the Election (which was yesterday) to Mr. Forresters house of Denovan where they were kept with proper Guards about them, and they had armed men Guarding another Deacon.....'.(1)

On the day, however, Provost Wallace was not chosen to be the burgh delegate, for once again the two minority interests in the town joined together to oppose the third. On the advice of Mrs Mary Campbell of Boquhan, who, as always, was much more zealous for the interest of the family of Argyle than for any individual candidate, the Argyle/Halket interest in Stirling decided that as they could not elect a delegate of their own, Haldane of Bearcrofts would be a safer delegate than Provost Wallace, 'for it was most certain that Provost Wallace would be directed by Coll. Cochran, and there is a Chance or probability that Mr. Haldan will be Influenced otherwise'.

(2) This was proposed to Captain George Haldane who informed his father of the plan, and after some difficulty Wallace's party in the council were persuaded to agree and Haldane was chosen unanimously. Thus there was a general saving of face in Stirling. The members of council made a move towards reconciliation which would end the unwelcome three way division in the burgh, while the Argyle interest avoided the total defeat which the election of Wallace, Colonel Cochrane's factor, would have entailed, for Haldane at least professed friendship for the Duke of Argyle even as he opposed his candidate. (2) Haldane, moreover, was instructed that if his son

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1. John Finlayson to Lord Milton, 10 July 1747: Saltoun 64a.

2. John Finlayson to Sir Peter Halket, 9 July 1747: Saltoun 64a.

could not carry his election, the town's vote should be given to Sir Peter Halket. There is certainly a strong possibility that Wallace, if provided with similar instructions, would have given his second preference to Colonel Cochrane.

Sir Peter Halket had continued his activities in Stirling even after he had been satisfied that he had no chance of securing the election of a favourable delegate. He did this as a blind, to divert attention from the more important town of Queensferry which was still undetermined.⁽¹⁾ By July Sir Peter Halket had become convinced that his rivals were acting in concert, but this alliance was not strong enough to prevent Sir Peter's unanimous election as the delegate of Dunfermline on the 6th July. Thus, by the first week of July each of the candidates had a single town, Halket had the support of Dunfermline, Colonel Cochrane had Culross, and George Haldane had Stirling. Inverkeithing could go any way, but its vote would be determined by Provost John Cunningham, so attention was instead given to Queensferry, the last open town. 'Unless the Ferry can be secured it's all over',⁽¹⁾ wrote Sir Peter, and he certainly could not afford to allow this town to fall to one of his rivals for Provost Cunningham would be likely to give his vote to the first candidate to secure a second town. Halket's friends agreed with his estimate of the importance of Queensferry's vote, and Alexander McMillan advised that he 'should make a push for the Ferrie at any expence', but added that he was afraid that Halket was too frugal.⁽²⁾ A

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1. Sir Peter Halket to George Cheap, 6 July 1747: 'I stay here this night (at Stirling) which keeps them here, and may give friends at the Ferry a little time to act, but to stay longer is to no purpose and only increases my expences without having any the smallest chance for succeeding....'. (Saltoun 65.)
2. Alexander McMillan to Lord Milton, 6 July 1747: Saltoun 66.

disinclination to spend money on the scale demanded by the constituency appears to have been one of the chief weaknesses in Sir Peter Halket's political management, and certainly there is no evidence in the surviving political papers that he believed in any very lavish expenditure.

The town council of Queensferry, like that of Stirling, split three ways with a good many waverers. In a clearcut contest between an avowed opposition candidate and an acknowledged supporter of the Government there would have been no difficulty, for most of the influential members of council had good reason to support the Court candidate. Baillie Stewart, for example, had two sons in the navy, and their opportunities of promotion would be improved by useful political contacts.(1) But on this occasion all three candidates still in the field professed friendship for the Government, which of course they were virtually obliged to do, for an avowed independent would have been quickly denounced as a Jacobite in 1747. In the Stirling District, however, there is no reason to disbelieve the claims of any of the candidates, and certainly no allegation of disloyalty was made.

Sir Peter Halket's party made a more determined effort at Queensferry than they had made at Stirling, and they enlisted the active support of the Earls of Morton and Moray who had influence in the town.(2) Lord Morton was induced to press the Laird of Dundas

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1. Sir Peter Halket to Lord Milton, 18 June 1747: Saltoun 65.
2. George Cheap to Lord Milton, 7 July 1747: 'I likewise wrote my Lord Morton that he would repeat his Letter to Dundass.... Lords Morton and Murray went over on purpose to give Sir Peter what assistance they can.....'.(Saltoun 64.

to use his interest in the burgh in favour of Sir Peter since Dundas's relation and ally, Laurence Dundas of Kerse, was not to be a candidate.(1) Friends of Colonel Cochrane were also approached and asked to make an attempt to break the suspected alliance between Cochrane and the Haldanes, and it soon became apparent that the decision at Queensferry depended upon Cochrane's attitude.(2) There were twenty councillors qualified to vote, and of these George Haldane had nine, Colonel Cochrane six, and Sir Peter Halket five. The Lord Justice Clerk was advised that 'Sir Peter Getting the Ferry depends on Coll.Cochrans disingadgeing the people who in that case Baylie Stewart would Ingadge for Coll.Halkett, wch is the only scheme of getting the Ferry from Mr.Haldane'.(3) In order to promote his scheme George Cheap, with the consent of the Lord Justice Clerk, met Colonel Cochrane and his two brothers in Edinburgh. The Colonel, however, declined to help Sir Peter Halket by freeing his friends in Queensferry from their promises, although he admitted that he had given up that town.(4) In this situation bribery alone gave Sir Peter a chance of success, and this he seems to have been reluctant to use:

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1. J.Walker to George Cheap, 6 July 1747: Saltoun 67.
2. George Cheap to Lord Milton, 7 July 1747: 'Jo.Couts promised me sending an Express this afternoon to Coll.Cochran and if any concert betwixt him and Haldan to get it brok and try to get him join Sir Peter wch he says wil doe heartily and even assist us in Q.Ferry as he sees plainly the Coll. hath no Chanse...'. Saltoun 64.
3. George Cheap to Lord Milton, 11 July 1747: Saltoun 64.
4. George Cheap to Lord Milton, 14 July 1747: Saltoun 64.

'Mr. Haldane is like to run away wt the Ferrie'; wrote Alexander McMillan, 'our Coll. (Sir Peter Halket) depends upon the interest of his freinds there such as Cha. Hope etc., but will not make use of the argument that prevails most everywhere at present. Coll. Cochran would, I'm told, use that argument, but has no body about him that has common sense to apply it properly...'.(1)

Although the Cochranes appeared to have put it beyond doubt that they were acting with the Haldanes, Sir Peter Halket seemed strangely reluctant to face the facts, and continued to entertain an unfounded belief that Cochran could be persuaded to support him. Possibly Colonel Cochran might have done so, but only if someone had taken the trouble to make it worth his while, for he must already have expended a good deal of money in cultivating his interest in the Stirling District. Sir Peter, however, remained oblivious to such considerations and advised George Cheap that:

'it may be a good argument with Coll. Cochran, that Mr. Haldane brock any consert that was betwixt them by making himself the deligate for Sterling contrary to their conserts, and should he continue stiff with regaird to the Q. Ferry, Pro(vost) Coutts may certainly say to him, that it has the appearance of his being determined to have Capt. Haldane to succeed and perhaps may be in hopes of making up matters wt the D. of A(rgyle) by giving me Culross, but since the D(uke) is hearty in this affair he certainly will expect, that all who wish him well will give their healping hand, and there is no way he can oblige so much as by giving me his assistance at the Ferry as well as at Culross.....'.(2)

Although the Duke of Argyle was not in a position to give Sir Peter Halket much active assistance, there is no doubt that he strongly favoured him. There is no question of Argyle standing back and allowing three candidates equally acceptable to him to fight it

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1. Alexander McMillan to Lord Milton, 14 July 1747: Saltoun 66.
2. Sir Peter Halket to George Cheap, 14 July 1747: Saltoun 65.

out, with the only certainty the ultimate victory of Argyle. 'As to the Sterling Burroughs I am mightily for Sir Pet.Halket', declared the Duke, 'Young Halden is certainly a private Enemy, we all know it here'.(1) The Duke had determined, in view of his lack of real influence, to delay his departure from London in order to avoid embarrassment, but his absence prolonged the uncertainty in the Stirling Burghs. Provost Cunningham of Inverkeithing and the Cochrane family appear to have delayed committing themselves to support either Halket or Haldane in the hope of meeting the Duke in Edinburgh.(2) But without the withdrawal of Colonel Cochrane the town of Queensferry would fall to George Haldane, and as Cochrane had not abandoned the contest, he was not likely to assist Sir Peter Halket, who was still to be considered his chief rival, unless it was made worth his while to do so.

Colonel Cochrane had no further hope of success at Queensferry, but he had not abandoned the election and made great efforts to gain the vote of Inverkeithing. Provost Cunningham's brother was a lieutenant in the Dutch service, and Colonel Cochrane had secured influential support for his cause in the Netherlands and had a promise of the first vacant company for Lieutenant Cunningham, which

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1. Duke of Argyle to Lord Milton, 7 July 1747: Saltoun 405.
2. Alexander McMillan to Lord Milton, 14 July 1747: 'I was this day wt the provost of Innerkeithing and his father, great love has been made to them by the Haldan, and very weighty arguments used by Coll. Cochran, but they stand their ground and will not be determin'd till they see the Duke...'. Saltoun 66.
 Sir Peter Halket to Lord Milton, 14 July 1747: 'The Duke of Argiles being to be at Edinburgh the end of the week gives me a great deal of pleasure, but Col.Cochrane must not delay what he is determined upon regarding the Ferry, for upon Thursday they chuse their deligate....'. Saltoun 65.

was thought likely to secure the vote of Inverkeithing.(1) Colonel Cochrane repeatedly stated his desire to meet the Duke of Argyle and clearly did not consider himself to be an irreconcilable opponent,(2) but although he was willing to arrange a compromise if this was possible, the Colonel saw the possibility of compromise in a different light from Sir Peter Halket. Sir Peter's position was that Colonel Cochrane should abandon the contest and lend his support to the Duke of Argyle's candidate, namely himself. Colonel Cochrane, on the other hand, remembered the thousand pounds he is credited with spending, and considered that as the delegate of the returning burgh, Culross, and with the support which he expected from Inverkeithing, Halket should give him the vote of Dunfermline since he was ready to support the Duke of Argyle's interest.(2) Colonel Cochrane admitted his arrangement with the Haldanes, whereby if either candidate could not carry the election for himself he would support the other, and on that ground asked for Sir Peter Halket's support for himself as the only way to prevent the election of George Haldane.(3) As had been expected, Cochrane did not free

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1. Major Cochrane to Lord Milton, 14 July 1747: 'ane houar after my Comming the Coll. Came hear....he sent to the Post house for letters and had one from Count Nassow from Holland in answer to one he had wrote in favours of Mr.Cunninghams sone who is a Leutt. in the Hollands service acquainting my Brother that Cunningham shall have a Company this with something els will I belive fix him.....'. Saltoun 64.
2. Major Cochrane to Lord Milton, 14 July 1747: 'My brother is extremly well pleased with what passed betwixt your Lop. and I this day and when his Grace Comes hear will waite his Commands'. Saltoun 64.
3. Major Cochrane to Lord Milton, 20 July 1747: 'I have sent this express to wait your Commands that my Brother....may know what he is to depend on, for if Sr Peter dose not declair for my Brother I find Mr.Halden is to have it qch will disappoint My Brother in the first place and Sr Peter or how ever the Duke pleases to recommend when his seat is Vacate qch by a letter I see from London I have all the reason to belive will be done..'. Saltoun 64.

his friends at Queensferry to vote for Sir Peter Halket, and the town elected a delegate pledged to support George Haldane. Having sweetened Provost Cunningham by a promise of a company for his relation, Colonel Cochrane followed up his advantage in the town of Inverkeithing and secured the Provost's vote by a £500 bribe.⁽¹⁾ Thus, on the eve of the election Sir Peter Halket's position was hopeless; George Haldane was sure of the support of Stirling and Queensferry, while Colonel Cochrane had the votes of Culross and Inverkeithing. Sir Peter had it in his power to ensure Colonel Cochrane's election, either by giving the Colonel the vote of Dunfermline or by voting for himself and allowing Cochrane to elect himself by his casting vote as delegate of the returning burgh, but it was hardly reasonable to expect either Cochrane or Haldane to support him when they were so much more strongly placed. In the event some compromise must have been arranged between the Cochrane family and the Haldanes, for it was not Colonel Cochrane who appeared to be the stronger candidate, but George Haldane who was elected by the burgh delegates when they met at Culross.

What had gone wrong ? Sir Peter Halket was supported by the Duke of Argyle who had an established interest in the Stirling Burghs, and even if the Duke was not in the same position of influence in ¹⁷⁴⁷~~1726~~ that he had enjoyed at previous elections, Halket

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1. Major Cochrane to Lord Milton, 14 July 1747: 'C(unningha)me has had a messadge from Halden to meet him this night qch made it absolutly nessesary to fix C(unningha)me qch is done, but he is to keep it to him self 500 is the word....'. Saltoun 64.

was still acceptable to the new Administration of Henry Pelham. The Burghs themselves clearly wanted a member of parliament favourable to the Administration, for James Erskine of Grange, their late representative, was not even considered. The question then remains, how was it possible for Sir Peter Halket, the Court candidate, to lose the election? Essentially the answer is that given by Alexander McMillan when he wrote:

'I'm affraid Sir Petter will lose the Ferrie, by the same mistakes that he did Stirling, He keeps his hands too closs & I'm affraid his aid de camps are not the fittest persons in the world for a ploy of that kind.....'.(1)

Unless a candidate was prepared to meet the necessary expenses he had little chance of securing election for a burgh constituency, no matter who lent his name to his cause. Colonel Cochrane, the other unsuccessful candidate, was reported to have brought a campaign fund of £1000 into the District, and considering that the Provost of Inverkeithing had received £500 this is probably a conservative estimate.(2) George Haldane's expenditure is unknown, but it must have been considerable. Only Sir Peter Halket was misguided enough to rely on the influence of his friends, such as Lord Morton, Lord Moray, Lord Hopetoun, and the Laird of Dundas. This election clearly shows the limitations of the influence of the neighbouring proprietors when that influence was not supported by more tangible arguments. The burgh councillors obviously considered that having been represented by an Opposition member during the last Parliament,

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1. Alexander McMillan to Lord Milton, 7 July 1747: Saltoun 66.
2. Alexander McMillan to ? , 30 June 1747: 'Coll. Cochran is come down with £1000 in his pouch. He is sure of Culross....'. Saltoun 66.

it was more than time to obtain some of the benefits due to their office. In addition to his frugality, Sir Peter Halket laboured under another serious disadvantage, for he had made a late start.

In a county election it was difficult to make up lost ground if another candidate had commenced his canvass a few weeks earlier, but in the Burghs the situation was more complicated. In a burgh constituency prospective candidates began making interest several years before an election was expected to take place under normal circumstances. The only exception to this general rule was in the case of the sudden death of a very strongly placed sitting member, whose sudden removal cleared the way for candidates who would not have contemplated opposing the sitting member. Stirling District was not in that category, for the former member, James Erskine of Grange, had never had any real security in the seat, which he owed to the influence of the Seceders and his own management very inadequately supported by money. In these circumstances anyone who hoped to replace Grange at the next election should have been working to establish an interest in every town in the District, which is exactly what the Haldane family had done. Colonel Cochrane of Culross started with the advantage of the predominant interest in the returning burgh, and he was known in the other towns of the District. Sir Peter Halket, on the other hand, although a landowner with estates in the vicinity of three of the burghs, was unknown except for the manner of his election in 1734. On that occasion he owed his election not to his own influence but to that of Lord Hly, and he may have believed that this influence would again suffice in 1747. Halket did not trouble to canvass the burghs before the beginning of the actual election campaign, and it was hardly surprising that

he found that his rivals already had friends in every council, even in that of Dunfermline where Halket's influence was greatest. Even the influence of the Duke of Argyle was devalued for Halket by Haldane's claim that Sir Peter was not the Duke's candidate, but the candidate of the Lord Justice Clerk, and that the Duke was indifferent. Argyle's delay in leaving London allowed that story to have more effect than perhaps it would otherwise have had, but it certainly gave an easy way out of their difficulties to those who wished to support Haldane but who had no desire actively to oppose the Duke of Argyle. When it became certain that the Duke of Argyle was not indifferent it was too late, promises had been given to Haldane and Cochrane, and all the attention which had been paid to the Stirling District by the Argyle interest during James Erskine's incumbency was wasted. George Haldane, like Colonel Cochrane, hoped that Argyle would find him acceptable,(1) but when the Duke refused his offer, Haldane continued to campaign for his own interest. Clearly, in the election of 1747 Government influence played no part. There is no evidence that pressure was put upon any of the mass of office holders who were councillors or relations of councillors, salt officers, customs officers, watchmen and others, and it was standard electioneering practice to lean on such men. Haldane in fact employed the methods of a Government candidate much more

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1. John Finlayson to Colonel Sir Peter Halket, 9 July 1747: (Captain George Haldane) 'told me that he had called at his Graces at London and desired his Interest & that his Grace told him that he could not expect it because that he had already given it to you, But that if he had applied in time his Grace would had fallen on a Scheme for Bringing him in to the house of Commons...'. Saltoun 64a.

extensively than Halket, threatening Bailie Maiben, the Postmaster of Stirling, with the displeasure of Sir Everard Fawkenner, the Postmaster-General and late Secretary to the Duke of Cumberland, and promising places to his supporters.(1)

Sir Peter Halket was an unfortunate choice of candidate for the Argyle interest, and it is safe to say that a man with little personal interest, and one who was reluctant to spend a substantial amount of money to buy friends, was not worth supporting. The Haldane family, although justifiably distrusted by every political leader from the Duke of Montrose to the Duke of Argyle for their exclusive concern for their own advantage, had built up a good interest in the Stirling Burghs over a period of years and this early start gave them a great advantage, although presumably it was backed with sufficient money to match Cochrane's expenditure. Sir Peter Halket did not give his assistance and vote to Colonel Cochrane when he found himself unable to carry the election for he could not honourably do so, since he was pledged as delegate for Dunfermline to support Haldane if he could not secure his own election. This is the explanation of George Haldane's unanimous election, for Cochrane was under similar pledges.

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1. John Finlayson to Lord Milton, 23 December 1747: 'Amongst the promises which Mr. Pat. Haldan made when soliciting for his sone's Election, He promised as I am informed to make Deacon Ellise of the Hammermen, Smith of the Castle of Stirling.....his disappointment will not be disagreeable to your Lops. friends here.....'. (Finlayson goes on to mention that Andrew Turnbull, a tailor in Stirling and a partisan of Haldane, was endeavouring to displace Robert Norie, who had charge of the stores and provisions in the Castle.) : Saltoun 64a.

Undoubtedly the election was mismanaged from the Government point of view. In Stirling, where the Duke of Argyle had taken pains to build up an interest, the town had gone over to Haldane two weeks before the Government candidate had even been named in the burgh. Proper management would have prevented such a premature decision. In 1747 public opinion played no part in the contest, there were no issues, and it is thus typical of the majority of eighteenth century elections and forms a complete contrast to the election of 1734. In a normal contest careful management commenced at the earliest possible time, and if supported by something more solid than words this was the only way to success in a burgh election. The influence of neighbouring landowners was useful, but was rarely, if ever, decisive. There was a certain independence in the very corruption of the burgh councillors. Lacking serious issues, burgh politics normally resolved itself into bargaining for immediate benefits for the voters, although in this District, and probably in most other Districts, the councillors in spite of self-election and their admitted corruption did not ignore the interests of their own communities in their negotiations. There was no question of a member of parliament buying his seat and then treating it as his freehold property, he was required to look after his constituents affairs, and he was frequently instructed how to vote on important questions affecting the trade of his towns. If he ignored these instructions he had to supply a convincing reason or else anticipate serious trouble at his next election.

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Chapter Twelve: The County Electorate.

(1) Patronage and the Politicians.

Electoral power in the eighteenth century rested squarely on the amount of influence possessed by the politician. Patronage is the most obvious and most common form of influence and as such deserves special consideration. The politicians, whether the great magnates, intent on preserving the semi-feudal predominance which they had inherited in their localities, or those who hoped to enter the House of Commons, could not hope to control a Scottish constituency successfully in the long term without access to patronage with which to reward supporters. The process of maintaining an interest through the distribution of patronage can be described in crude terms as no better than the purchase and sale of votes, and in many burgh constituencies the description would be well founded. In the case of the counties, however, this description is inaccurate. While few Scottish freeholders at any period in the eighteenth century could afford the luxury of true political independence, the man who openly sold his vote to the highest bidder was sufficiently rare to be remarked upon.⁽¹⁾ The real strength of the politicians position in this period rested on the pre-eminence of what is usually described as influence, coupled with the relative poverty of the Scottish gentry in comparison to their social counterparts in England.⁽²⁾ No commission in the armed forces, no appointment in the service

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1. David Graeme of Orchill to Mungo Graeme of Gorthie, 7 April 1734: 'Kilspindy is very mercenary, & tho they seem to be pretty sure he will not vote against the club, they suspect he will not vote at all wt out some valuable consideration...'.GD220/5/23.
2. See Chapter Twelve, Section (2).

of Government, was to be obtained without the intervention of a great man, a person of influence. The position is admirably illustrated in a letter written by the Duke of Montrose to his commissioner in Scotland in 1720:

'Apropo t'other day Mr. Baillie acquainted me that there was a presentation come to the Treasurie from the Commrs below to one David Achterlonie to be Land Carriage waiter att Glasgow Sallary £20, he put the presentation in his pocket desireing me rather to name some body that might be usefull for my interest for nobody knows this Achterlonie.....triffleing as such a post is it may effectuallie oblige some body who may be reddie to repay such a favour upon ane other occasion'.(1)

Even after a needy gentleman had obtained a post his tenure was uncertain unless he had the continuing protection of some great man, for there were always more aspirants than there were offices for them to fill. On another occasion the Duke of Montrose urged his commissioner to: 'inform your self of (David Graeme of) Orchill if there's any of the Tide waiters at Port Glasgow likely to fall or if there's any of them he would have removed that room may be made for my Lord Glencairn's man'.(2)

Since families were often large, and landed incomes, at least in the first half of the eighteenth century, were generally small, the need for employment was very real. Obviously this gave a tremendous advantage to the ministerial politician who had access to Crown patronage. The tendency, so often remarked upon, for Scottish voters and members of parliament to follow the lead given by the Ministry of the day, dates from long before the Union, and, as early as 1708, it

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1. Duke of Montrose to Mungo Graeme of Gorthie, 12 May 1720: GD220/5/9

2. Duke of Montrose to Gorthie, 21 November 1721: GD220/5/8.

was mentioned as one of the facts of political life in Scotland with which post-Union politicians would have to contend:

'One can't reason justly upon the disposition of this Country by what you find is in England', remarked the Duke of Montrose, 'our People have been long opprest by the influences of one Ministry or other, and as they have been treated more like a province than a free people, so they are always carried by the appearances of prevailing power which they are afraid to resist....'.(1)

The Act of Union itself was far from being an expression of the popular will, even of that small proportion of the Scottish people who were entitled to a share in political life, and there appears to have been a tendency to regard the London Parliament in the immediate post-Union era as an alien institution whose affairs could have little interest or relevance for the Scots. According to the Earl of Mar's brother Lord Grange, before the Union:

'there being a sort of Government here, and a Parliaments being to sit, in which all sorts of people hoped allways to....do something or other, that made them much more crouss and brisk, and they had something whereon their thoughts fixed and to which their Reasonings & Projects terminated. But now they being wholly in the Mist, not knowing what our Government is or what it will turn to, & being pretty ignorant of the humors, interrests & views in Parliament, in which the most of people here think they can never have much to say, our Representation in it being so very small, All this makes them, that after they have scolded their fill at any Party or Proceeding, they even fret a little & when they have done know not what to think nor where things will land....'.(2)

Thus, the transfer of parliamentary business to a distant and alien city, seemingly impervious to Scottish pressure, had the incidental effect of reinforcing an existing tendency to favour the representatives of Government in order to obtain essential employment.

Particularly after the suppression of the Rising of 1715 had removed

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1. Duke of Montrose to Lord Sunderland, 2 July 1708: Add.MSS 9102.BM.

2. Lord Grange to the Earl of Mar, 29 January 1708:GD124/20/1558/3

one obvious cause of division from the politics of Lowland Scotland, the new remoteness of Parliament, and the seeming irrelevance of the questions discussed there, made it easier for Scots to take the patronage of Government with an easy conscience. Any action which could be interpreted as an attack on Scottish interests, on the other hand, quickly aroused popular hostility, but it would be difficult to question the opinion of Mungo Graeme of Gorthie: 'that the generality (yea a good dall more) of freinds follows those in power, or at least seem so, and if once people getts a haunt another way, its by chance only if they come back'.(1)

No political interest could maintain itself for any length of time without patronage, and the bulk of this patronage was in the gift of the Crown, but the Crown did not have a complete monopoly for there was always some patronage in private hands. Even the Earl of Ilay and Henry Dundas, the most successful of the Government managers, did not achieve a monopoly of patronage. In Lord Ilay's time, before the abolition of heritable jurisdictions after the Rising of 1745, lords of regality and heritable sheriffs had fairly extensive powers of patronage. In the case of Stirlingshire the only lord of regality to survive the Rising of 1715 was the Duke of Montrose whose regality court in this area was still active until the eve of its abolition. The regality court provided employment for a number of gentlemen in posts ranging from that of bailie, bailies-depute, clerks, the procurator-fiscal, occasional substitutes,

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1. Mungo Graeme of Gorthie to the Duke of Montrose, 10 May 1716:
GD220/5/7.

and regality officers, down to the keeper of the prison. The Duke of Montrose was also hereditary sheriff of Dunbartonshire, and after the forfeiture of his cousin the Earl of Linlithgow, he also obtained a grant of the sheriffdom of Stirling. In these counties the Duke appointed the sheriffs-depute and the clerks, and he also had a good deal to say in the appointment of the lesser officials such as sheriffs-substitute and procurators-fiscal. Montrose also controlled the regality of Glasgow, of which he was hereditary bailie, and he nominated the bailie-depute, who was the actual judge, and the other officials; this court gave the Duke a great deal to say in the affairs of the city of Glasgow, whose suburbs lay within the regality. Office in these courts was much sought after, for it was a useful step for a young advocate to obtain a regality office in order to make himself known in his profession. In 1714 the Laird of Gorthie informed Montrose that:

'Gleneglis desired my opinion whether or not he might ask the favour of yr Gr. to make his son James, Balie of the regality of Lennox. His project was, that haveing bred him to enter advocat, and not haveing reccommendation or interest enough to bring him quickly into bussiness, He thought this might contribute some thing to it, for he proposed that he should be at pains to bring the Court into reputation, and by that means bussiness comeing befor him their it might occasion one of the partys to imploy him at Edb.....'.(1)

Judicial patronage by no means exhausted the places in the gift of a great magnate like the Duke of Montrose, permanent counsel was retained in Edinburgh, several writers were constantly employed, and many other gentlemen found employment in the administration of the Duke's estates and in his household. Thus, a great lord was not

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1. Mungo Graeme of Gorthie to the Duke of Montrose, 5 September 1714: GD220/5/7.

dependent on Government in order to maintain an interest, although he could hardly hope to control the politics of one of the larger counties without some assistance from the Crown. Many of these appointments were far from well paid and in a richer country would not have attracted gentlemen, but in the Scotland of the early eighteenth century even the smallest post was a prize worth having:

'As for the person to uplift the Teinds of Drymen', wrote the Duke in 1717, 'Killearn and I had once some discourse upon that head and I had then a thought that it might not be amiss to give that Collect. to some one of the Heritors of the name of Buchanan who have likewise votes in the Shire, its true the sallary is small but a small thing to one that has little is still of value'.(1)

As the country became more prosperous this form of private patronage steadily diminished in importance, until the only persons who could be obliged without recourse to Government patronage in some form were factors and lawyers, but as one form of private patronage disappeared others took its place.

First among the sources of patronage in the second half of the eighteenth century was Indian patronage, and while much of this was distributed in the interest of Government this was not necessarily so, for it was in the hands of the elected directors of the East India Company, some of whom were usually in opposition. When the number of vacancies became known each year, the total number was divided into thirty shares, of which the Chairman and Deputy-Chairman had two shares and the ordinary directors one share each. All cadets, writers and assistant surgeons received their appointments in this way,(2) and such posts proved extremely attractive to

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1. Duke of Montrose to Mungo Graeme of Gorthie, 18 December 1717: GD220/5/9

2. R.Montgomery Martin: 'East Indies 2', p.102: Martin's Colonial Library 1837.

Scottish gentlemen for this very reason, since a career was opened to a poor man. Unlike commissions in the British Army, appointments in the Company's service were never openly bought and sold, and if a cadetship or its equivalent could be obtained it was reasonable to suppose that the lucky recipient, if he survived the hazards of disease, would retire as a moderately wealthy man. Since the British born population of India had only reached about 31,000 by 1805 opportunities were limited.(1) Most of the Europeans in India served in the Company's armies, about 22,000, and a further 2,000 were civil servants.(1) The amount of patronage in the hands of the Court of Directors varied from year to year in relation to the political situation in India and the incidence of disease. In a period of five years, between 1821 and 1825, the total number of appointments fluctuated between 237 and 494 and the share of patronage enjoyed by individual directors was consequently uncertain, as can be seen from the following table: (2)

<u>Year</u>	
1821	44 Writerships 361 Cadetships 56 Surgeons 6 Chaplains
1822	41 Writerships 158 Cadetships 28 Surgeons 10 Chaplains
1823	24 Writerships 351 Cadetships 27 Surgeons 7 Chaplains

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1. C.Northcote Parkinson: 'Trade in the Eastern Seas 1793-1813,p.35.
2. Debate at the East India House, 20th June 1827, on the patronage of directors: Oriental Herald, July 1827, p.195.

Year

1824

35 Writerships
285 Cadetships
28 Surgeons
11 Chaplains

1825

42 Writerships
403 Cadetships
44 Surgeons
5 Chaplains

In general a good year for patronage was the product of a high death rate in India, and that fact served to console directors in a year in which they had little to give. 'I have only two (cadetships) this year', remarked William Elphinstone on one occasion, 'I never had so few, so much the better as it proves there have been few deaths'.(1) Even in a good year for patronage there was tremendous competition for the available places, and an unsuccessful gentleman might even consider going out to India as a servant or common soldier, in the hope that disease might cause so many vacancies that he might be appointed locally and subsequently confirmed by the Court of Directors. This appears to have been the situation of a friend of William Graham of Airth:

'I am sorry to inform you that I can do nothing for Lieutenant Callender as a Cadet or Volunteer there being a particular order against any of either description going out to India for three years. As a Servant it is likewise out of my power without paying at least £25 for his passage, and then he must be a Servant in fact as well as nominally that is he must eat and live with the Servants of the Officers of the ship and those of the passengers, no verry desireable berth for a gentleman. As a Soldier after actually attesting him, with a good deal of trouble I might be able to get him out but could by no means undertake to get him discharged.....'.(2)

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1. W.F.Elphinstone to Peter Spiers, December 7th:
Cunninghame Graham. GD22/1/327
2. Henry Graham to William Graham of Airth, 5 February 1786:
Airth MSS. Acc.3012/xxvii/F 2. NLS.

Consequently, any director who had this valuable patronage at his disposal could command a good interest in any Scottish constituency. Directorships were chiefly valued for the patronage attached to the office, and this was frequently employed to further the director's own political ambitions. 'You all know my powers as to assistance, or if you are at a loss you can ask me', wrote one Scottish director of the East India Company. 'An ensign to be made a lieutenant is nothing. Bengal, Madras or Bombay cadets could be had'.⁽¹⁾ Many East India Company directors found it to their advantage to adhere to the Government, but the director chiefly connected with the county of Stirling, the Honourable William Elphinstone, was associated with the Prince of Wales, and Indian patronage undoubtedly helped to support the Elphinstone interest.

Closely allied to the normal Indian patronage was that relating to Indian shipping. Cargoes to and from the East were carried in specially constructed ships, the East Indiamen. These vessels were not owned or managed by the Company, they were owned by individuals or more commonly by a partnership, and permanently chartered to the Company. The officers of an East Indiaman were appointed by the owners of the vessel, subject to confirmation by the Company, and such posts formed a further important branch of patronage. East Indiamen were large ships with correspondingly large crews ranging in number from a minimum of sixty men to about 130, with a considerable number of officers, the usual vessel carrying in addition to the commander, six mates, a surgeon, a purser, five midshipmen, and a surgeon's mate, and

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1. David Scott to John Graeme, 11 September 1795: 'Correspondence of David Scott', edited C.H. Phillips, vol.1., p.39.

any of these posts was a valuable piece of patronage for the man who had it in his gift. The value of a post in an East Indiaman did not lie in the salary, which was not very attractive, but in the privilege enjoyed by the officers of owning a certain proportion of the ship's cargo. The captain of a large ship returning from India was allowed to bring home 38 tons of cargo, the chief mate eight tons, the second mate six tons, and the other officers in proportion.(1) The commander of an East Indiaman enjoyed many other perquisites; he could make as much as £1500 per voyage from the fares paid by passengers carried to or from India, and he sold for his own profit the dunnage, the bamboos and rattans used to prevent the cargo from shifting. Altogether the command of an East Indiaman was a very profitable situation, and according to a director of the East India Company: 'a Bombay or China voyage to a large ship is as I believe generally supposed nearer £10,000 profit than £5,000. In my own private opinion I should calculate on the £10,000 being the most probable sum'.(2)

Stirlingshire politicians were frequently importuned to find places in East Indiamen as well as in the Company's own service for the friends of freeholders. Typical of many such requests was one made to Sir Thomas Dundas in November 1788, in which his supporter asked if the member of parliament had 'procured an appointment for Mr. John Cairnie as a Surgeon's Mate in an East India Man'.(3) As

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1. C. Northcote Parkinson: 'Trade in the Eastern Seas 1793-1813', p. 202.
2. David Scott to Lord Dunsinane, 2 December 1796; 'Correspondence of David Scott', edited C. H. Phillips, vol. 1, pp. 91-2.
3. William Morehead to Sir Thomas Dundas, 14 November 1788: ZNK/X/2

with the East India Company patronage, appointments to places in East Indiamen did not depend on the Government, and they helped to maintain Henry Dundas's enemies, Sir Laurence Dundas and his son Sir Thomas, as a power in Scottish politics.

Some voyages were more popular than others. The commander of a ship with good accommodation for passengers generally found a Bengal voyage popular, for example, and the most profitable return cargoes were obtained from China. The duty of allocating voyages among the East Indiamen principally lay with the Chairman of the East India Company, and in consequence, the Chairman or anyone who had influence with him, had it in his power to do a great service to the captain of an East Indiaman.(1) Once again, freeholders with some interest in an East Indiaman were not slow to ask the assistance of their representative:

'You may possibly have seen in the Edinr. News paper that my Daughter Isabella was Married some weeks ago to Capt. Minian Lewis commander of the Woodcott East Indiaman', wrote one of Sir Thomas Dundas's constituents. 'It is of great consequence to Persons in his Line of Life, to be appointed to good Voyages. The best Voyage is reckoned to be to Bengal. But as the Woodcott is not copper'd, Capt. Lewis wou'd be very well pleased to be appointed for Bombay and China. If you will be so good as to speak to any of the Directors with whom you have Interest to procure that Voyage for him, it wou'd be doing a very great favour....'.(2)

Just how great a favour has already been discussed.

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1. David Scott to Lord Dunsinane, 2 December 1796: 'Your strong recommendation of Captain Spens would assuredly have made me give him my own first nomination had it not been previously promised. I must remark that this is the greatest thing in the power of a director or rather of the chairman.....'. 'Correspondence of David Scott', edited C.H. Phillips, vol.1, p.91.
2. John Monro of Auchenbowie to Sir Thomas Dundas, 22 March 1789: Zetland. ZNK/X/2.

William Elphinstone was three times Chairman of the East India Company, (1) and he was closely connected with the shipping interest, having himself commanded the East Indiaman Tryton before becoming a director. Another Stirlingshire family, the Haldanes of Airthrey, were similarly connected with the shipping interest, while Captain Ninian Lewis of the Woodcott also became a Stirlingshire laird. Through the agency of these men a good many Stirlingshire gentlemen found places in East Indiamen, although it must be admitted that an appointment as a midshipman or a fifth or sixth mate of an East Indiaman was not to be compared to a writership or cadetship in the Company's own service. The system of ownership and the profits made by the commanders of the ships made it very probable that the command would be given to a relation or friend of the owners. Apart from the captain, only the chief mate and the second officer had sufficient cargo space allocated to their use to enable them to make a reasonable profit from private trading. Men appointed to the service of the East India Company, on the other hand, could anticipate a reasonable career without the necessity of further patronage, although if a man of influence took an interest in them their rise would be more rapid. The sea officer without influence, however, was likely to find himself regularly passed over by friends of the owner being groomed for command.

The existence of patronage independent of Government gave the Opposition politicians with the right connections some room for manoeuvre. Nevertheless, the bulk of patronage was in Government

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1. Chairman 1804; 1806; 1814. 'Alphabetical List of the Directors of the East India Company', compiled by C.H. and D. Philips. Journal of the Royal Asiatic Society 1941, p. 329.

hands, and in Scotland it was generally dispensed in accordance with the policy of the manager of the day. The worst form of employment for a poor man was in the British Army, where, under normal circumstances, the commissions and consequently the promotions were for sale. Army commissions were frequently sought, however, presumably in the hope that the death of senior officers from wounds or disease would clear the way for promotion without purchase. This would appear to be the situation of Philip Hay, whom Lord Keith placed in the 11th Foot without purchase. 'I have got Philip Hay into the 11th as ensign', he remarked, 'but if his father cannot get at old General Grant or Lady Sutherland he may not be confirmed. I wrote that he was a volunteer at Ollionles etc. etc. not a word true, but that is nothing'.⁽¹⁾ The army fluctuated in size in accordance with the political state of Europe. When war was imminent new regiments would be raised and additional companies added to existing corps, and with the return of peace these formations were reduced and their officers placed on half-pay. Now if an officer had an income from some other source he might not be greatly interested in further employment and was content to draw half-pay for the rest of his life, but if he was maintaining an impoverished existence at home as the laird's younger brother, he (and his brother) were usually desperate to get a commission in another regiment in spite of the poor pay and poorer career prospects for a man without money.

'This last Letter of yours incloses a Memoriall from Ensign Graham', wrote the Duke of Montrose in 1733. 'I should be loath to do the poor Gentleman such an injury as to apply at this time of day for

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1. Lord Keith to ? , dated at Toulon, September 21st, 1793: National Maritime Museum Kei.128 (Copy).

'an Ensigncy to him who was an Ensign between five and six and twenty year ago, by which means he'd come to be commanded in the Army by severall unborn when he was made an officer.....as the poor Lad I know is truly brave tho no head piece, I wish you cou'd satisfie him which may easily be done if he can hearken to reason, that he is infinitely happier with his half pay than he possibly cou'd be if he came into the Army after having been so long out of it....'.(1)

For a man who lacked money to purchase his promotion the army was an unsatisfactory occupation, for he was likely to be in the situation of the Master of Elphinstone, who complained in 1715 that: 'I have served as Capt. this nine years which I have the vanity to beleive intitelis me to some thing better than a company of foot'.(2) With the return of war and the resulting expansion of the army, however, the military traditions of the Scottish gentry invariably brought them flooding into the army in spite of their poverty, thus providing politicians with the necessary connections with a useful way of winning friends. During the American War of Independence, for example, General James Grant of Ballindalloch, the member of parliament for Sutherland, declared: 'if this business continues I could provide for all the Sutherlands in the country; a commission is an easier business than a tyde or a land waiter'.(3)

Those army commissions which might be made available without purchase were normally distributed to support the interest of Government politicians, or were given to officers appointed to raise new corps in order to stimulate recruiting. Commissions in the

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1. Duke of Montrose to Mungo Graeme of Gorthie, 23 February 1733:
GD220/5/11
2. The Master of Elphinstone to the Duke of Montrose, 26 July 1715:
GD220/5/5
3. James Grant to the Hon. James Wemyss of Wemyss, 1 December 1775;
William Fraser, 'Memorials of the Family of Wemyss', vol.iii, p.247.

Navy, on the other hand, not being available for purchase, were far more useful for men of limited resources. Naval patronage, moreover, unlike army patronage, was far from being completely under the control of the Government. In this period a naval officer was appointed to hold a specific rank in a named ship, and in general all appointments to ships based in home waters were made by the Admiralty, (1) and accordingly, in so far as such appointments were used as items of political patronage, they would be distributed in the interest of Government. Promotions made in squadrons operating outwith British waters, however, were normally made by the officer commanding the station and were usually confirmed by the Admiralty, and this opened the way to a certain amount of private patronage. Lord Keith made use of his powers of patronage to assist the Elphinstone political interest, and together with the Indian patronage in the hands of his brother William Elphinstone this enabled them to resist Lord Melville. Typical of many letters relating to Keith's use of patronage is one written by the Admiral on board his flag-ship off Majorca in 1799:

'I have commissioned the French ships and was surprised to find in the Admiralty instructions now with me, that they claim the whole promotion. I have however put in Lord W. Stuart and my first lieutenant to take their chance. And pray tell Mrs Prideaux that her friend Mr. Mayers, who told me he had passed, got a commission made out.....Behold he had not passed. I ordered 3 Captains to examine him, he declined to go, consequently I was obliged to tear the commission. I gave on to the Duchess of Atholl's friend Glen Geary.....a heavy dog too.....Adam Drummond came to me yesterday, I wish I could give him a post, but I could not pass Lord Bute's son with decency.....'. (2)

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1. Lieut. John Campbell to H. Davidson, 17 October 1812: 'a Commander in Chief on the Home Station has little in his power, the Admiralty keep all the promotion in their own hands....'. Saltoun 108
2. Lord Keith to his sister Mary, 13 July 1799: Kei 128.

Or again, in a letter dated from Saldanha Bay, in August 1796: 'I have made Charles Adam a captain into the Swift.....come what may I promote Sir Thomas Livingstone to be captain'.(1) There were three important steps in a naval officers career, his initial entry, his promotion to lieutenant, and his promotion to captain. At each stage he required patronage, and while an officer might get this by sheer ability a naval officer was likely to be more successful if he had influential friends. As Lord Keith's letter shows, having influential friends was not enough without ability, for Mr. Mayers remained a midshipman in spite of the commander-in-chief's interest in him because he could not pass the lieutenant's examination, but in a contest between men equally qualified for promotion the man with connections would probably be successful, just as the Earl of Bute's son became a captain while Adam Drummond remained a lieutenant. Sometimes a naval patron found his patience sorely tried as he attempted to push a man forward in order to please his friends. Such was the case of Midshipman Adam Ross, whom Lord Keith eventually succeeded in pushing into the rank of lieutenant. In October 1797 the Admiral declared: 'I am plagued with Adam Ross. He has no intellect and does not improve a bit; I wish he was in the army'.(2) Keith was at that time second in command of the Mediterranean fleet commanded by Lord St. Vincent to whom he applied for a commission for Ross. In December 1798 Lord Keith reported: 'Lord St. V. offers Ross a commission, but I dare not mention his passing, it is vexatious'.(3) In February of the following year (1799) Ross was still without his

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1. Lord Keith to his sister Mary, 19 August 1796: Kei.128.
2. Lord Keith to his sister Mary, 27 October 1797: Kei.128.
3. Lord Keith to his sister Mary, 18 December 1798: Kei.128.

commission: 'Fintray's son is returned well, I have put him into the London to act as lieutenant, I had kept it open for Ross as long as I could', wrote Keith.(1) But in March 1799 the saga of Adam Ross reached its climax, for Admiral Keith, by that date commander-in-chief in the Mediterranean, reported: 'We have made some prizes.... one Frigate and 2 Corvettes. Mr. Ross goes lieutenant into one of them if he can pass his examination on the morrow which I have ordered to take place'.(2) And in his next letter the Admiral informed his sister that: 'Ross I thank God is off my hands, sent into El Teresa a Spanish frigate 3rd lieutenant'.(3) Clearly it was not ability alone which secured promotion in the navy, and it is not surprising to find that some of the promoted officers did not successfully fill their new rank, men like Lieutenant Moncrieff, who was promoted by Lord Keith at the Cape of Good Hope in 1795:

'Will you write Charles Napier that I made his man Moncrieff a Lieutenant', wrote Keith, 'and am now obliged to invalid him to prevent his being dismissed by a court martial. He is a filthy drunken beast, but that is not Charles's fault, John Belchess also recommended him to me....'.(4)

In theory the captain of a ship was entitled to take into his ship as midshipmen, volunteers or captain's servants, any of the sons of his friends who hoped for a naval career, but in practice even this form of patronage was in the hands of the flag officers, for it would be a captain with a liking for half-pay who would refuse the

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1. Lord Keith to his sister Mary, 7 February 1799; Tetuan Bay. Kei.128.
2. Lord Keith to his sister Mary, 5 March 1799, Before Cadiz. Kei.128.
3. Lord Keith to his sister Mary, 8 March 1799; Kei.128.
4. Lord Keith to his sister Mary, 10 November 1795, Cape. Kei.128.

requests of an influential admiral. The limitations of a captain's patronage are illustrated by a letter written to William Graham of Airth, a Stirlingshire freeholder, in 1785:

'I assure you Uncle every way has been tried to get Thomas on board some of H.M. Ships, but all in vain.....my last hope..... rested with my friend Captn. Hood, who was commissioned some days ago for a Cutter Built Sloop of War....but the day he was commissioned for her, he received a letter from his Uncle Lord Hood, who got him appointed, begging, or rather desiring, that he would not take a Midshipman, or young gentleman till he saw him, as he had some particular friends that he must beg him to take on board. This Brig is only allowed a Mate & two Midshipmen, and do as they will Captn. Hood tells me he cannot stow above six, four of whom will get no pay; and had he room the Adml. has twice that number for him'.(1)

An admiral, therefore, was in a position to patronise those persons recommended by his friends. If he commanded on an overseas station, he could make mates and midshipmen into lieutenants, and lieutenants into commanders and captains. At home his powers were more restricted, but in any event he could still place boys on the first rung of the ladder by insisting that his captains should take them into their ships as aspirants to commissioned rank. During the wars with France from the American Revolution onwards, the navy became a popular career for Scottish gentlemen, almost certainly because it was inexpensive in comparison to the army. Even an English captain could remark in 1778 that: 'more than two-thirds of my quarterdeck are Scotch'.(2) In vessels commanded by a Scot this proportion would certainly be increased. Lord Keith and his nephew Admiral Fleming were well placed to satisfy this demand for entry

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1. Lieut. David McDowall to William Graham of Airth, 15 May 1785: Airth MSS. Acc. 3012/xvii/f 2. NLS.
2. Captain Robert Digby to the Earl of Sandwich, 17 January 1778: 'Sandwich Papers 1771-82, edited G.R. Barnes and J.H. Owen, vol. 1, pp. 262-3.

into the navy in spite of their Opposition connections, for since the junior naval officers were officially ratings, unlike the army ensigns who were commissioned, the Admiralty took no part in placing officers in the line of command below the rank of lieutenant. Lord Keith's position as commander-in-chief at the Cape and in the Mediterranean, in both which theatres of war many prizes were taken, gave him many opportunities to advance officers even to post rank, the ultimate promotion, for the admirals were automatically promoted from the upper end of the captains list. Undoubtedly naval patronage played a very important part in the maintenance of the Elphinstone interest in Stirlingshire when Henry Dundas was at the height of his powers.

All other forms of patronage of place were firmly in the hands of Government and require little notice. Posts in the Customs and Excise services were commonly used to maintain the political interest of Government supporters, although the many gradations of rank and function in these services could cause difficulties, for some were regarded as not quite suitable for a gentleman. As Sir James Campbell told Lord Milton in 1734: 'Powfouls is affronted at your letter, for a Salt officer heir in the country is an approbrious name, and all dispise it, but with submission if on of his sons could be a land waiter, it would sound better'.⁽¹⁾ Even when a post would appear to require some kind of qualification, the unqualified with Government connections cheerfully demanded it. In 1714, Murray of ^{CRAIGLISTER} ~~Craighallie~~, who stood candidate for the county of Peebles on the Duke of Montrose's

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1. Sir James Campbell of Ardkinglas to Lord Milton, 20 May 1734: Saltoun 22.

interest, asked the Marquis of Tweeddale to write to the Duke:

'in favours of his brother to be made professor of church history wch I promised to do. He is a very young man scarce one & twenty but people think themselves fitt for any post in this countrey.....'.(1)

The cynical Gorthie's comment on the fitness of youthful professors is worth recording. He informed the Duke of Montrose that Murray:

'writes that our frend Mr.Cummin, professor of church history at Edr. is dead, and he would have that post for a brother of his, its worth £100 a year. He's about 22 years of age or so, but however a dispensation from the king for him to travell a year or two will make him a very good professor, as good as Cummin was.....The young man is abundantly capable as I'm inform'd. He was a while at the trade before, but fearing to want encouragement he has applyed himself of late to the writter trade, but that he can lay by again.....'.(2)

The influence of the politician was chiefly valued as a means of finding employment, but patronage could take other forms. A politician might, for example, receive a request for remission of a fine. In 1714 one of the Duke of Montrose's friends reminded him that:

'ther was a foolish plow happned att Glasgow the first day at the Circuit held ther with some of our friends & Barrowfields, wher we were all fyned. The Exch. Calls now for the fynds. I understand My Lord Marr when Secretary Did putt a stop to it for some freind att that tyme who depended on his Lop. And if your Gr. Can without trouble tip a wink to any of the Barrounes for Wattie and me in that affair, I beleive it will readyly doe accordingly. But before it puts your gr. to ask what is in the Least out of the Road I shall silently pay the money.....'.(3)

Or again, the assistance of a duke could be useful in the case of an appeal to the House of Lords. The Earl of Hopetoun on one occasion informed Montrose that: 'Sir Alex Hope has a business to be befor the

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1. Lord Tweeddale to the Duke of Montrose, 13 December 1714: GD220/5/20.
2. Mungo Graeme of Gorthie to the Duke of Montrose, 10 December 1714: GD220/5/7
3. James Graham to the Duke of Montrose, 13 December 1714:GD220/5/26

'thous of Peers which is of great concern to him, I must intreat the favour of your Grace to speak to some of your friends to countenance him so far as justice will allow'.(1)

Voters engaged in commerce looked to the politicians for commercial favours. This was a particularly marked feature of burgh politics, as one would expect, but it was not unkown in the counties. For example, an anonymous correspondent of Sir Thomas Dundas advised him that;

'there is a neighbour of yours Mr.Glen a Freeholder in Stirling-shire if you wish for his Interest in the County I am of opinion it might be procured by Introducing or recommending him to some of your friends that is Colonel of a Reigment so that they might employ him to furnish part of their Clothing, he being a dealer in Shoes, Stockings & Linens & keen for trade, if this meet with your approbation it may be securing a friend at no expence as he may serve your friends on as low terms as they are at present...
....'.(2)

Patronage in one or other of its forms was probably required by most freeholders at some period in their lives, but it is important to notice that this demand did not invariably or even commonly coincide with an election. Certainly, in almost every account of a Scottish election, one finds references to posts given or promised to freeholders in order to make sure of their votes, but such accounts tend to create a false picture of the situation. At any one time, and particularly at a time of election, the amount of patronage available for distribution was limited, there was never any question of the wholesale bribery of voters. In a situation in

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1. Earl of Hopetoun to the Duke of Montrose, 26 April 1714:
GD220/5/14

2. Anonymous to Sir Thomas Dundas, 29 November 1789: Zetland ZNK/X/2

in which two parties were closely balanced, two or three freeholders might be won over by bribery, but the scarcity of the materials of bribery, if nothing else, made its employment rare.

Patronage was generally distributed by more honourable means than the direct bribery of voters at elections. If a politician used his influence on behalf of a freeholder at the proper time it could bring a return in the form of political loyalty for many years to come. A sense of obligation was what the politician hoped to foster by timely assistance, and this sense of obligation could span two generations if the fulsome letter which Alexander Bruce of Kennet sent to Lord Grange is to be believed:

'I was honored with your Lordships most kind and obligeing letter', wrote Kennet. 'I make no doubt of your Lordships sympathy with us, and concern for the death of my father.....Upon all occasions he expressed the high esteem he had of, and affectionate concern he had for your Lordship,.....he alwayes acknowledged the Singular and Speciall obligations which he lay under to the best freind ever he had on Earth, my Lord your Brother, and its the duty of every on of us who are come of him to the outmost of our power to be Serviceable to that family, to which under God, we owe all we have in the world.....'.(1)

In the first half of the eighteenth century the Scottish patron, whether a Government manager or a supporter of Opposition, was invariably a great lord, and in the ties of mutual obligation which bound a political interest together there lingered something of the feudal relationship. Hereditary family loyalty also played a part in the maintenance of an interest. The chief of a name felt an obligation to assist other gentlemen of the name, and in return he expected that they would feel obliged to support him politically. The Duke of Montrose, for example, when discussing a Stirlingshire laird of the

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1. Alexander Bruce of Kennet to Lord Grange, 21 October 1728; Mar & Kellie. GD124/24/1993.

Graham name, remarked: 'as he has three sons that are now men whom can he lean to for any protection to them but to my self ?.....I shall be verie reddie to serve his family If I see I may have the same confidence in him that I have in others of my family and name'.(1) Naturally, as the century advanced, and particularly after the abolition of heritable jurisdictions, the clannish, semi-feudal elements in the maintenance of a political interest became less important. This development brought into the open what had to a great extent been concealed by civility and the freeholders attachment to particular families, and there is no doubt that political corruption became steadily more blatant during the second half of the eighteenth century.

In the early part of the eighteenth century a great political interest was essentially the sum of many little interests, and it owed at least as much to ties of friendship as it did to patronage. A party was built up in order to contest an election by an influential landowner contacting every gentleman with whom he had influence, and these in turn influenced their friends until a majority was created, and in this process patronage played a relatively minor part. In 1714 the Laird of Dougalston and other friends of the Duke of Montrose proposed that Sir John Shaw should contest Dunbartonshire, and advised the Duke that;

'he will be able to carry it with yr Gr concurrence. They think the E(arl) Stairs writeing to the president will determine Sr John to stand. That himself carrys the two Ardochs. That my Lord Pollock would carry Barns Elder & yr. That as matters now stand

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1. Duke of Montrose to Mungo Graeme of Gorthie, 5 August 1720:
GD220/5/9.

'betwixt Sr John and the two Houstouns, the two latter will give him yr votes without so much as his asking of it. That ye can gett Kilmaromock and Gleneglis and his son; Sr James will bring Arncaple with him and his son. Craighton wants ane opportunity to oblige yr Grace. Mains inclines to serve yr Gr but upon a competition it would be hard to desire him to break measures with his cheif. They think, in a word, others might come in such as Drumhead by Gleneglis, Home and Kilmahew, Kilmaromock would bring Dalmoak etc.....'.(1)

Although a party was constructed by thus bringing together the friends of friends into a single group, and a political interest can be seen as resting on the basis of friendship, it cannot, of course, be separated from the question of patronage. One cadetship might oblige a single laird, who would then solicit the votes and interest of his friends in time of need, but it was patronage which held together the inner ring of friends of the politician. Nevertheless, nothing could create more resentment in a county than the suggestion that the freeholders votes were tied to a particular interest. Even a man who had received some form of patronage immediately before an election would resent the suggestion that his vote had been bought. They had to be approached with every show of personal regard and asked for their votes, and any neglect of the due forms could be disastrous. 'You are certain much in the right to visit, or to write to sundry persons', the Duke of Montrose told his commissioner in 1733. 'Forms must be kept up, and are quite necessary, wt out the punctual observance of them sundrys might be disoblidgd'.(2) If the leader of a political interest neglected the due forms his interest could vanish overnight. In 1760, for example, 'the Earl of Galloway

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1. Mungo Graeme of Gorthie to the Duke of Montrose, 10 September 1714:
GD220/5/7
2. Duke of Montrose to Mungo Graeme of Gorthie, 17 November 1733:
GD220/5/11.

'by attempting to Command instead of Solliciting the Votes and Interest of the actual Freeholders of the Shire of Wigton has greatly dissoblged the Majority of them'.(1)

Essentially then, a political leader made interest in his county by looking after his friends to the utmost of his ability, helping them to find employment for themselves, their sons, and their friends, and generally using his influence to support their causes. Secondly, in return for this concern, the freeholders deferred to the politicians leadership, and used their influence with their own friends with whom the politician might not be acquainted. Careful management was essential, and the expected courtesies could never be neglected, particularly since politeness cost nothing, and moreover, since most gentlemen prided themselves on keeping their word, a promise of assistance obtained during a courtesy visit might be thought binding at a subsequent election. Politicians also took a pride in fulfilling their engagements at this period, even when the person to whom the promise had been given had done little to earn a reward. An example of this scrupulous concern to keep a promise, even when it had been made to a doubtful friend, occurs in a letter which Thomas Dundas wrote to his father in 1777:

'The two Lenox's behaved all along like dirty fellows', he remarked. 'They shuffled betwixt Sir Jas. Campbell and me to the last moment, and then, altho the thing was clear in My Favor, the one went off to London, and the Elder Brother altho in Stirling at the Time of the Election, did not come to vote for me, and I have pretty good authority to think if the Election had depended on their votes they would have gone against me. However, as I gave them a Promise to get the Son out to the East Indies, I certainly would be as good as my word.....'.(2)

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1. Ebenezer McCulloch to Lord Milton, 18 October 1760: Saltoun 96.
2. Thomas Dundas to Sir Laurence Dundas, 4 November 1777: Zetland. ZNK/X/2.

At one end of the scale the patronage exercised by the leader of a great political interest shaded off into charity, for he felt an obligation to take care of all his dependants even if they were of no value to him politically. On one occasion Mungo Graeme of Gorthie recommended the sister of the Laird of Duntroon to the Duke of Montrose's attention. She was:

'married to one Ochterlony a writer to the signet. It seems he's a senseless fellow that can make no shift for her and a great many children they have. Mayn't Barron Scrope be spoke to that she may get 10 or £15 in the Charity roll. She's truely starveing and continually begging of all her friends.....'.(1)

The existence of such breadline gentry in the early eighteenth century helped to reinforce loyalty to a single patron, and this loyalty was repaid by assistance in time of need. The Duke of Montrose was always alive to his responsibilities, and on another occasion showed his displeasure at Gorthie's delay in meeting the obligations of charity. The Duke insisted that:

'the day you sent me the poor woman Freebairn's letter (which indeed pleaded compassion) I wrote back to you to send her another Boll of meal, but you tell me it is not yet sent only that you sent one to Anne Logan. I think I desir'd you to send two. D(ear) G(orthie) allow me to say that its in vain for you and me to write long letters, if what I recommend is not comply'd with when it can be done wt ease. Its hard that in any thing wherein I am concern'd every favour, even to a trifle in charety, should be mistim'd and loose its Grace..... .To make some amends to this poor woman Freebarne for the delay, send her now two bolls of meal, which with the one you sent her will make 3. In these hard times the 2 bolls now to be sent will be a relieff to her, pray let it be done immediately, and send one other boll to Anne Logan, which will be two, she has come every year to Buchanan and has got something.....'.(2)

The absence of any other form of assistance to a person who fell on hard times encouraged loyalty to a single patron. Many estates were

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1. Mungo Graeme of Gorthie to the Duke of Montrose, September 1715: GD220/5/7

2. Duke of Montrose to Gorthie, 4 April 1741: GD220/5/12.

permanently on the verge of bankruptcy, and it is not unknown to find a laird who had sunk to the position of a cottar on his former estate; loyalty therefore was a form of insurance which might alleviate the misfortunes consequent on such a disaster.

Finally, any man who hoped take the political leadership of a county was obliged to indulge in a certain amount of conspicuous expenditure, whether or not he could afford it. If, for example, a new bridge was required to facilitate the crossing of some river in the county, the member of parliament or the political leader in whose interest the member stood, was obliged to head the subscription list even if they would have no occasion to use the bridge. When it was proposed in 1739 that an annual race meeting and assembly should be held at Stirling, the Duke of Montrose insisted to his Scottish representatives that he and his sons must be the principal subscribers although he was less than enthusiastic about what he anticipated would prove a 'foolish & expensive scene'.⁽¹⁾ Nevertheless, as Lord George Graham had declared his intention of contesting the county at the General Election, it was an expense that could not be neglected:

'Certain it is we must be the highest subscribers for that will be expected', wrote the Duke. 'The Quantum to be subscribed by each must be regulated by what is done by others. In fin I'd Graham & I'd George to be equall, whatever I'd Rothes or I'd Erskine give, my two Sons must be higher by a Guinea each and I one Guinea higher than either of my Sons.....'.⁽¹⁾

The wealthy Sir Laurence Dundas was a notable subscriber. When the city of Edinburgh, which he represented in Parliament, raised a new regiment for the American war, Sir Laurence subscribed £1000, the

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1. Duke of Montrose to Mungo Graeme of Gorthie, 17 September 1739: GD220/5/12.

largest individual contribution and only exceeded by the city's £1050.(1) In 1767 Sir Laurence was the largest subscriber to the Edinburgh Charity Workhouse with a contribution of £100, and with a subscription of £10,000 he was by far the greatest shareholder in the Forth and Clyde Canal Company.(2)

Constant attention was required in order to keep up an interest, places had to be sought for friends, close attention had to be paid to matters of local or Scottish concern, and the freeholders had to be visited regularly. If this was done, the member of parliament, facing some major issue such as the Regency Crisis, the Reform Bill, or Walpole's Excise scheme, could virtually vote as he liked at Westminster. One of the first politicians to realise the strengths and weaknesses of post-Union Scottish politics was Henry Cunningham of Boquhan, and Ramsay of Ochtertyre's description of the man shows what was required in a successful politician:

'There was no doubt sound policy, as well as appearance of goodness of heart, in the attention that he showed to his constituents. He did not, like many of his brethren, make an evident distinction between the first and last year of a Parliament, but was uniformly courteous and kind. And hence, though a professed ministerialist, he was esteemed by a set of neighbours that were either hostile to the family of Hanover or in opposition to Sir Robert Walpole'.(3)

In short, no politician could afford to make himself disliked, even by those who were political foes, for dislike if once aroused could be more permanent than political attachments. Henry Cunningham of

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1. Scots Magazine 42, 1780: app., p.712. The regiment raised by the city was the 80th Foot, or Royal Edinburgh Volunteers.
2. Scots Magazine March 1767 and May 1767: Page 165 and 253-4.
3. Ramsay of Ochtertyre: 'Scotland and Scotsmen', vol.ii, pp.120-1.

Boquhan's attachment to Government was so distrusted by many of his constituents that he was obliged to sign a paper pledging himself to support a comprehensive list of measures and to accept instructions from the freeholders, but although the freeholders distrust was justified by his failure to keep his pledges, Boquhan was well liked by the Stirlingshire gentlemen. Personal popularity could take a politician a long way in the eighteenth century, for even when his general politics were disliked there were so few real issues that it was difficult to form a party to dislodge him.

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(2) The Freeholders.

Between 1707 and 1832, 522 gentlemen are known to have stood in the Freeholders Rolls of Stirlingshire, although in the immediate post-Union period there is some doubt about the names or even the number of voters, and consequently this figure is almost certainly an underestimate. The nature of the franchise ensured that the bulk of these men can only be classed as members of the landed gentry, and this description can also be applied with safety even to most of the nominal voters in this county. If an attempt is made to break down the total the following figures may be given as reasonable approximations: 95 officers of the army or navy; 75 members of the legal profession; 40 freeholders engaged in industry or commerce; 30 in the civil branches of Government or the service of the East India Company; seven members of the clergy, including both Church of Scotland and Anglican clergy; seven physicians; and two university professors. None of these classifications can be regarded as exclusive, for most were landed gentlemen as well as members of their profession, some of the lawyers were also in Government service, and one of the lawyers had earlier been a university professor, while many of the military officers, particularly the nominal voters among them, were not employed as such but were on half-pay. (1)

The total number of freeholders on the Roll at any one time is of little relevance, for the totals fluctuated considerably thus

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1. The totals are derived from the Freeholders Minutes and other manuscripts in which the professions are stated.

rendering any average figure relatively meaningless. The totals for each year are, however, given in an appendix.⁽¹⁾ Accurate lists of the freeholders are available from the year 1765, in which year it became the practice of the Stirlingshire freeholders to enter the Roll in the minutes of the Michaelmas Head Courts. The earlier figures are more uncertain; the list for 1727, for example, was made by one of the parties in a double election, and the early Rolls normally give the names of those who were actually present rather than a comprehensive list of those gentlemen who were entitled to vote, and a reasonable estimate of the average number of freeholders in the period 1707 to 1750 would appear to be about 50 or 60. Poor attendances were to be expected in this period because of the reluctance of many freeholders to take the anti-Jacobite oaths. The Roll of Freeholders did not reach three figures during the eighteenth century, and only reached 100 in 1812, but by 1824 this total had risen to 130, a good many of whom were nominals.

The freeholders of Stirlingshire consistently showed their dislike of any undue multiplication of nominal voters by the greater landowners. They were generally quite ready to acquiesce in the manufacture of parchment qualifications for the sons of a great proprietor, but they strongly resented any attempt to pack the Roll with such creations. Obviously, even if they had wished to keep all parchment barons out of the Roll, it would have been impracticable for the freeholders to attempt to do so, for the law supported the rights of freeholders qualified only on a bare superiority no matter how trifling the return to the superior. Nevertheless, Stirlingshire

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1. See page 569.

was never dominated by a single great proprietor acting through his nominal voters as was the case in some of the other Scottish counties. In Sutherland, for example, General James Grant was elected in 1790 without receiving the support of one real freeholder. According to a correspondent of the Caledonian Mercury Grant's return: 'was procured solely by the votes of the fictitious Barons claiming under the title of wadsetters on the Countess of Sutherland's estate, under which description the General stood himself'.⁽¹⁾ Stirlingshire was fortunate enough to avoid such a fate, and its relative freedom was almost certainly due to the large number of proprietors in the county, particularly those possessing moderately large estates valued at between £500 and £1000 Scots. In 1775 there were 398 proprietors standing in the valuation roll of Stirlingshire, divided according to the following table: ⁽²⁾

Number not exceeding £50 Scots valuation,	125
Above £50 and not exceeding £100,	68
Above £100 and not exceeding £200,	69
Above £200 and not exceeding £500,	79
Above £500 and not exceeding £1000	36
Above £1000 and not exceeding £2000	14
Above £2000 and not exceeding £5000	<u>7</u>
Total Proprietors,	398.

Several of these estates were in the hands of corporate bodies, such as the three charitable institutions in Stirling, Spittal's, Allan's, and Cowan's Hospitals, the town of Stirling, or the Carron Company,

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1. Caledonian Mercury, 22nd July 1790.

2. 'Number of Proprietors of Lands Standing on the Valuation Rolls of the Counties of Scotland etc'. Parliamentary Papers 1854-5, vol. XLVII.

and an unknown number were not held from the Crown and thus could not afford qualifications to their owners. At the same period the Freeholders Roll of Stirlingshire contained 79 names, and of that number probably 51 were real proprietors for the whole of their qualifications, which, together with the corporate estates and the estates of peers such as the Duke of Montrose and the Earl of Dunmore upon which no votes were created at this time, would appear to account for most of the estates which could afford a qualification on the valuation. Several of the known nominal voters were sons of proprietors whose estates were large enough to afford more than one vote, but they can hardly have been regarded as a serious threat to the independence of the county. The only large bloc of parchment voters in 1775 was that of Sir Laurence Dundas, and several of his voters were themselves small freeholders whose property lands were not of sufficient extent to afford qualifications without assistance. Four more parchment barons had been made by the Elphinstone family, five by James Cheap of Sauchie, and two by Sir James Dunbar of Mochrum, but no other Stirlingshire estate carried more than two votes in this period.

When reform of the franchise began to be discussed, it became common for reformers to cite hypothetical lairds possessed of estates valued at several thousand pounds who yet could not vote because they held their lands from a subject superior. In all but the smallest counties this was nonsense. Any wealthy laird who really wanted a vote in his county would have had little difficulty in acquiring one, although not necessarily based on the superiority of his own estate. When the Scottish variety of feudalism atrophied

after 1746, superiorities simply became marketable commodities whose scarcity value depended upon the current political situation in a county. Superiorities were frequently offered for sale; in 1792, for example: (1)

March 16. Nine superiorities in Argyle-shire, the first yielding five shillings annually, the others twenty pence, tenpence, and eightpence each, were sold by public auction at Edinburgh, at the amassing price of £4890 Sterling.

Lot 1, £655	Lot 4, £460	Lot 7, £570
Lot 2, 570	Lot 5, 480	Lot 8, 605
Lot 3, 460	Lot 6, 500	Lot 9, 600

In the county of Inverness it was said in 1825 that a vote cost £1000, a very high figure but valued because of the compensation which might be available for a man who was in a position to oblige Charles Grant the member of parliament. Even at £1000 it was a worthwhile investment for: 'a man having hungry sons and relatives (no uncommon circumstance) would never grudge this sum; because until lately, he could rely on lucrative appointments for them in India'.(2)

In Dunbartonshire and Stirlingshire the accepted fair price for a superiority in the middle of the eighteenth century was thirty years purchase of the feu duties and one years real rent, but the price could naturally alter with the demand.(3) Normally a politician desperately trying to make new qualifications with an election in view would pay a higher price than would be asked from an ordinary laird desirous of obtaining a vote for his own use at a time when there was little political activity. Nevertheless, in spite of this reservation, there could be few counties in which the proprietor of

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1. Scots Magazine, March 1792, p.152.

2. Scotsman, 21st May 1825

3. 'Scheme for makeing two Votes in Dunbartonshire, 14 Sept.1756'.
Saltoun 414.

a large estate holding off a subject superior would have any reason to lack a vote if he really wanted one. The men who had most reason for dissatisfaction with the unreformed political system were not the substantial landowners holding off subject superiors, but the small freeholders who held their estates of £200 or £300 valuation from the Crown. There were many of this type among the Stirlingshire proprietors, for in the seventeenth century and earlier a great deal of the property in this county was sold to the tenants. Small lairds, whether freeholders or vassals, were among the recipients of nominal votes on many occasions, and the small freeholder was a particularly welcome recruit for his own estate might afford a good part of the qualification.

Disliked though the nominal voters were by the real freeholders among the county gentry, the Roll always contained a number of them. The peer or great commoner rarely appreciated the suggestion that the electoral law was based on the idea of one vote to each estate, and that peers should take no part in county elections. If a landowner had an estate valued at several thousand pounds he felt that he deserved a greater voice in public affairs than a man with an estate of £400. Apart from the small freeholders and other lairds, half-pay officers, lawyers, and merchants are found among the fictitious voters. Serving officers were less popular as holders of nominal qualifications, for they could be deliberately kept away from an election by their superior officers.(1)

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1. James Cheap of Sauchie to John Mackenzie of Delvine, 25 August 1765; 'As for the Lyons the one is already a voter or soon to be, the other being in the foot service may, by superior interest be sent out of the way, & by that means render'd useless...'. Delvine 1249. NLS.

The kind of man who usually accepted a nominal qualification, a member of the minor gentry or a merchant, could often be frightened by threats of legal proceedings or by an adverse judicial decision, and it is quite remarkable how frequently known nominal voters failed to appear at elections in Stirlingshire. Presumably they could not all be sick or out of the country, and their regular absence makes their possession of qualifications rather pointless.(1) The Trust Oath was a genuine stumbling block for many potential voters for the nominality of most parchment qualifications was common knowledge in the county, and consequently it required a bold perjurer to take the oath of possession in the face of all his acquaintances. As Buchanan of Drumakiln put it, he did 'not see unless they had a very wide throat how they could gulp down the Oath of Property'.(2) The obvious solution, to bring in strangers, was rarely adopted in this county.

In Stirlingshire the early nominal qualifications made by the Duke of Montrose were accompanied by a backbond, which not only obliged any female successor of the recipient to reconvey the superiority, but also ensured that a sum equivalent to the former feu duties should continue to be paid.(3) Montrose conveyed the superiority to the intended voter and his heirs male, and naturally his nominal voters found no difficulty in taking the Trust Oath. But the Duke gave votes only to Grahams, in whose loyalty to himself

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1. Many of Sir Laurence Dundas's nominal voters rarely attended election meetings.
2. Buchanan of Drumakiln to the Duke of Argyle, October 1779 (Copy) Ross Estate. GD47/551.
3. See page 570.

and to his successors as chief of the name he had every confidence. However, even in the lifetime of the first Duke of Montrose it became apparent that every Graham laird was not absolutely certain to comply with his chief's wishes, and this method obviously could not be used by a landowner without Montrose's claims to hereditary loyalty. Consequently, as soon as the lawyers art was sufficiently improved, the heritable disposition of superiorities was abandoned in favour of liferents. The wadset, or redeemable qualification, was not employed in Stirlingshire, only two being known in the whole period.

Liferent qualifications were granted to the voter on the understanding, whether explicit or implicit, that he should support the political interest of his author, which placed a gentleman in a difficult situation if he was confronted with the necessity of taking the Trust Oath. If he was a man of honour, and most gentlemen prided themselves on being such, it was not easy for him to take the oath of possession if he had been given the superiority which constituted his vote. Consequently, nominal qualifications were normally purchased in Stirlingshire in so far as the evidence available enables one to generalise about a subject which from necessity was conducted in secrecy. If a laird had paid the market price for his qualification he would feel able to take the oath, providing he was not troubled with an over active conscience which told him that he had been sold the vote solely on the understanding that he would support a particular political interest. Almost certainly the small lairds and other residents of the county would pay the full price for their qualifications. They would then consider

themselves to be as free and independent as any real freeholder, but in fact they were nothing of the kind. They were not independent voters, and they had been selected to receive qualifications on the ground of their friendship for their author, and they were dependent on him so long as that friendship subsisted. Whatever they had paid for their qualifications, there was an implicit understanding that they would support their friend, but that kind of understanding could not be brought out by the Trust Oath. The really bad votes were usually the preserve of the lawyers, many of whom were not burdened by a conscience, but landowners like the great Renfrewshire proprietor John Shaw Stewart generally preferred lairds to lawyers, and urged their friends to purchase their qualifications:

'I have several Estates in Renfrew Shire to sell', he informed General Campbell of Boquhan, 'as I am certain you have ready money enough to purchase you will oblige me much by becoming a Freeholder in that County. I would not have presumed to inter-meddle with your private affairs, had I not been informed that you had made a similar purchase in Dunbarton Shire. I can let you have a Superiority of 12sh 6d or one Merk Scots & one between 2 & 3 £ feu duty. I take it for granted that you perfectly understand the trust oath which will in all probability be put. Glasgow has hitherto been my great market for voters but this damnd process for Perjury has frightened all the merchants, tho in reality it has no more connexion with the general Question than with that concerning free will & Predestination. If you know any Gentlemen who are of our way of thinking I mean Independent I wish they would buy freeholds for entre nous I am not very fond of having too many Lawyers if it can be avoided....'.(1)

General Campbell was expected to buy the qualification which was pressed upon him, but it was clearly understood that he should be one of John Shaw Stewart's voters. Nevertheless, by this date (1786) genuine party politics had returned, and the General was attached to

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1. John Shaw Stewart to General Fletcher Campbell, no date 1786. Saltoun 103. (In 1785 an action for perjury was brought against John Lawson of Westertown, the case arising out of events at the late election for Forfarshire. Lawson was found not guilty. Scots Magazine, June and August 1785, pp. 308-9 and 412.

to Stewart's interest by more than ties of friendship. Earlier in the century, when party meant little or nothing and county politics was no more than a struggle between family interests under normal circumstances, it was dangerous to create liferent votes while relying on friendship alone to keep them loyal. Liferent voters, like the real freeholders, often needed the influence and patronage of a great man, and if they could convince themselves for the purpose of the Trust Oath that they were independent, it was a short step to a change of political allegiance. In Stirlingshire the creation of nominal votes was inhibited by the hostility of the real barons as has been fully discussed in the narrative, but it is also likely that they were kept within bounds by the difficulty of finding acceptable voters. Only one of the major Stirlingshire politicians, Sir Laurence Dundas, made full use of his superiorities to make the maximum number of votes. William Forbes of Callendar and several other substantial landowners made no use of their powers to make votes. Forbes, for example, stood on the Roll for the whole of his barony of Callendar, valued at £3,311 Scots, which was enough to make eight votes, and he possessed other lands besides this estate. The Dukes of Montrose never attempted to make full use of their superiorities; had they done so it is difficult to see how the county could have been kept out of their control. The Montrose family seem to have seen themselves above all as the first family of Stirlingshire, and as such they valued the respect of the real freeholders which would have been forfeited by any attempt to pack the Roll with strangers.

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In the county of Stirling, therefore, the real freeholders retained their proper position in political life. Since the right to a vote was carried by the dominium directum or superiority, the valuation given by the freeholder when claiming enrolment gives little indication of his real financial position, for much of his valuation might consist of lands in the possession of vassals who might pay little or nothing in the way of feu duty. Undoubtedly there were also considerable discrepancies in the real rents of estates valued at the same sum. A useful comparison can be made by considering the valuations and real rents of two Stirlingshire gentlemen, James Bruce of Kinnaird, the famous African traveller, and William Graham of Airth. Bruce's estate consisted of the lands of Kinnaird, lying in the parish of Larbert, and nine and a half oxgates of land of the Halls or Haughs of Airth, within the parish of Airth, which were together valued at £875 Scots. William Graham's estate consisted of the barony of Airth in the parish of Airth and certain other lands in the parish of Bothkennar, valued at more than £2,064 Scots. On the evidence of the valuations therefore, Kinnaird would be classed as a moderate freeholder, and Airth as a great baron, but in fact there was not a great deal of difference between their respective incomes.(1) The larger of the two estates, the barony of Airth, produced an annual income of £1206: 0: 6d gross, but the estate was burdened with debts amounting to £7,000 which required an annual payment of £341: 12s. to cover the interest. A further £170 was required for feu duties, taxes and other public

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1. The valuations are given in the Freeholders Minutes: SC67/59/5/350-3 and SC67/59/6/88-92.

burdens, and the expenses of management, so that the total income was only £694: 8: 6d Sterling.

Gross income		£1206: 0: 6
Interest charges	£341: 12s.	
Taxes etc.	170: 0.	<u>511: 12: 0</u>
	Net income	694: 8: 6

The Kinnaird estate was considerably smaller and had an annual rental of £400 gross, but this estate was also heavily burdened and the net income from the land, deducting all public burdens and other charges, was only £150. Kinnaird, however, drew a further £295 per annum from land and coal leased to the Carron Company, and another £200 from investment in trade, thus giving him a net income of £645 free of all burdens

Gross income from land	£400: 0: 0
Coal and lands set to the Carron Company	295: 0: 0
Profit from investment	<u>200: 0: 0</u>
	Total gross income
	895: 0: 0
Taxes and other burdens	<u>250: 0: 0</u>
	Net income
	645: 0: 0

Thus the incomes of the two gentlemen were approximately the same, although one if he had been so inclined could have made five votes on his estate and the other only two. (1) £600 per annum net was a very good income in the 1760's and many lairds must have managed on

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1. James Bruce of Kinnaird to John Mackenzie of Delvine, 17 August 1758 and March 19th 1761: Delvine 1241. NLS.
'Airth's Income 1783'. Airth MSS 3012/xvii/F 4. NLS.

much less. Ramsay of Ochtertyre mentions that the bulk of the land in the Stewartry of Menteith and the adjacent parts of Stirlingshire was possessed by gentlemen worth from £500 to £800 per annum, but he must certainly mean gross income.(1)

Most freeholders found it expedient to attach themselves to a political interest in their county, but their subservience to the leader of that interest should not be exaggerated, particularly on the basis of correspondence, for the sycophantic and obsequious letter appears to have been regarded as the only polite form of address by many freeholders. Obviously the leader of an interest hoped that his friends would comply with his wishes, and if they did not do so they could not expect to be served. The convention behind any political interest was mutual support, and it has been well described by Mungo Graeme of Gorthie in a letter to the Duke of Montrose in which he describes his conversation with a Perthshire gentleman, the Laird of Balgowan:

'he (Balgowan) could not but be sensible that yr Gr. had been but indifferently served by yr freinds of a long time; and that tho I knew yr Gr did not bear a grudge at them on that account, so as to resent it, yett this their behaviour putt it out of yr power to serve them, for if yr freinds expected to be served by you, on the other hand ye was to be supported by them in all yr Concerns as well publick as private.....'.(2)

When two or more great men were fighting for supremacy in a county it was sometimes regarded by the more timid freeholders as more prudent to avoid taking any part, particularly if they were

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1. John Ramsay of Ochtertyre: 'Scotland and Scotsmen', vol.ii,p.46.
2. Mungo Graeme of Gorthie to the Duke of Montrose, 10 October 1714: GD220/5/7.

really in need of patronage, for if it turned out that they had backed the wrong candidate they could hope for nothing; on the other hand, the winner who gained the ear of Government might welcome even belated support. This conflict of interest was particularly marked during the struggle between the Squadrone and the Duke of Argyle.

'I should not willingly be made use of upon any occassion between great men', declared one gentleman, 'for time and a thousand accidents will hapen to unite them and drope lesser people'.(1) The same caution was shown by William Stirling of Herbertshire in 1727, when he told Lord Milton that: 'I have seen so manie changes happen in less nor the time that a new parliament can be call'd, that it has made me take a resolution, not to determin my self to any particular person, till some days before the ellectione, & I know ther are severall of that resolution in this Shyr'.(2) Prudence made some of the freeholders act with caution, but it was not the only reason why some of the barons avoided committing themselves to one of the great interests.

The leader of a political interest was usually a peer, and he had to manage his affairs very carefully if he hoped to avoid stirring up resentment among the barons. Occasionally this resentment came to a head, as in Perthshire in 1734, when some of the lairds openly expressed their dislike of the influence of the Duke of Atholl, who had put up a member of his family, qualified on a superiority obtained from the Duke, as a candidate for the county. These opponents of the

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1. Major John Cuninghame to the Duke of Montrose, 26 February 1716; GD220/5/2
2. William Stirling of Herbertshire to Lord Milton, 30 June 1727; Saltoun 12.

Duke of Atholl institutionalised their opposition in an alliance known as 'the Club'.⁽¹⁾ The cause of this development was clearly the freeholders resentment at the Duke's tactlessness, for the Laird of Kilgraston insisted that; 'hee would assert the freedome of the barrons in Perthshire agt any fictitious barron, made so pro re nata & sett up purely to agrandise a great man & show his interest'.⁽¹⁾ The Laird of Leys, another member of 'the Club'; 'would vote for none sett up by or under the influence (of) a great man, nor for any that had ever appeared to be torrys'.⁽¹⁾ This was not an isolated incident. In 1718, for example, a similar situation developed in Lanarkshire, where the barons of the Upper Ward showed their annoyance at the way political life was dominated by the peers of the county.⁽²⁾ In Stirlingshire itself there was consistent opposition to the interest of the family of Montrose as the possessors of the greatest interest in the county.

Even when an ordinary freeholder attached himself to some great man he did not like to think of himself as a dependant, and his patron, if he was wise, did not do so either. In the opinion of the barons, in so far as this can be ascertained, loyalty to an interest was not considered to be incompatible with independence. Of course this was a delusion, for with moderately good management on the part of the leader of the interest they were his dependants, but since the belief appears to have been widespread it deserves consideration, particularly as good management was not altogether commonplace.

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1. David Graeme of Orchill to Mungo Graeme of Gorthie, 7 April 1734: GD220/5/23

2. Duke of Montrose to Gorthie, 17 November 1718: 'If the Gentlemen of the Upper Ward will foolishly persevere in their ridiculous popular notion of haveing a Barron and not a Nobleman's son to represent them its certain they may doe harm...'. GD220/5/9.

By independence the freeholder did not necessarily mean freedom to shop around for the highest bidder at an election, although there were such men. Generally what he meant by independence was that he was a real freeholder whose vote was his own, and as such he expected to be consulted by the great man to whom he was attached. However sure the leader of an interest might be that a voter would support him, he would be extremely unwise to take the baron's concurrence for granted. However loyally the freeholder may have supported the leader of his interest in the past, he did not consider that this gave the great man the right to determine the politics of the county without regard to any opinion which he might have. The freeholders were never cyphers in any county where the Roll was not packed with nominals, and although they would normally support a friend of the lord to whom they were attached they did expect to be consulted and asked for their assistance. In the Perthshire incident mentioned above, a peer's son without a true freehold estate was the candidate and he had been set up without consultation. In Lanarkshire the freeholders had tired of the county representation being determined by the families of the Duke of Hamilton and the Earl of Hyndford with no pretence of consultation with their respective adherents. In Stirlingshire the most obvious example of the need for consultation is the election of 1821, when the Duke of Montrose tried to impose an unsuitable candidate on the county and the Duke's candidate was beaten by a fellow-Tory. As a result, the Montrose interest vanished overnight, an issue which could easily have been avoided by first consulting the leading Tories in the county.

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The freeholders always had to be handled carefully, and any politician who neglected to act the part which was expected of him did so at his peril. In 1773 Edmondstone of Duntreath was the candidate of the Duke of Argyle in Dunbartonshire, but his conduct makes him the perfect example of how not to secure election. One of the Dunbartonshire freeholders answered a letter from the Duke of Argyle who had asked his support for Duntreath by complaining that:

'Three years ago the Magistrates of Dumbarton were Perambulating the marches of their moor when both he(Duntreath) and I were present. What umbrage Mr.Edmonstone had taken at me I cannot say having never offended him to my knowledge, but upon no Acct would he daign to take the least notice of me or even look at me. Several of the Bystanders observed he was grown very Proud when he would not so much as speak to Drumakill. I told them he was a very great man a member of Parliament & had a right to do as he pleased. At the last Michaelmas head Court where a great many gentlemen were present, upon my old acquaintance Capt.Edmonstones entring the room I made him a very low Bow, wch he returned with an insignificant Nod & never Spoke one word to me. Probably these gentlemen Imagine it would be doing me too much honour their taking notice of me, which I reckon none at all as I am now Independent & have no favours to ask of them or any man. These unnecessary airs will not go down with me, for I as much dispise them as they are capable of dispising me, there we are quite evenHe visited most of the freeholders of the County but was above asking them their Vote & Interest being too Cock Sure of it, wch I understand has not been well taken by some of them, he did not think it worth his while to call upon me which was no Disappointment to me, as I could not presume so great a man would Demean himself to enter such a poor Cottage as mine where he might dirty his Boots. However upon hearing of an Opposition he wrote me from England, urgent necessity was the Occasion of that letter, wch I shall not take the trouble to answer....'.(1)

Essentially a great interest was only the sum of many little interests, and the little interests did not care to be ignored or taken for granted, and conduct such as Duntreath's would have been resented even if it had been practised by the Duke of Argyle. The freeholders

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1. R.Buchanan of Drumakill to the Duke of Argyle, 18 November 1773 (Copy) Ross Estate Muniments. GD47/551.

might find it convenient, or even essential, to belong to some great interest, but they invariably had a good opinion of their status as barons.

It is pointless, however, to expect to see what the twentieth century would call political independence in the eighteenth century, and it was not simply a question of the general need for employment for younger sons although this was of the greatest importance. In the eighteenth century nothing could be done without the intervention of a great man. For example, the brother of a Stirlingshire laird, Mr. Moir of Leckie, was commander and owner of the Salisbury, a post office packet which sailed between England and Brazil, and he wanted permission to dispose of the vessel abroad and bring the mails home in another ship, because if the Salisbury was to be sold at home he could not expect a good price.(1) Naturally Moir of Leckie approached Lord Melville through the member of parliament for the county, and not Captain Moir's immediate superiors in the post office.

The realities of eighteenth century life can be brought out more clearly by considering the case of General Fletcher Campbell of Boquhan, a Stirlingshire freeholder who unfortunately did not possess the right connections. General Campbell's profession as an officer in the regular army makes his case more interesting bearing in mind the primacy of the military men among the freeholders. The British army until fairly recent times had no permanent or semi-permanent organisation at a higher level than that of the regiment, and the

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1. Henry Home Drummond to Lord Melville, 28 November 1823; Moray of Abercairny. GD24/1/516.

brigades and divisions were pieced together as circumstances dictated. Consequently the bulk of the general officers of the British army were normally redundant, a fact which was recognised by the Crown, for no pay was given to a general as such unless he was in actual command of a major formation or station. Many general officers, however, had the good fortune to be also colonels of regiments. A colonelcy was in the gift of the Crown, and in the case of one of the older regiments it was a lucrative appointment with the added attraction of being virtually free from duties, for the active command, then as now, devolved upon the lieutenant-colonel of the infantry battalion or cavalry regiment.⁽¹⁾ One constant theme in British history has been the desire to economise on defence expenditure, and with the return of peace many of the new regiments raised during the course of a war were immediately disbanded and their officers placed on half-pay. An incidental result of this practice was that there were invariably far more generals than there were regiments for them to command, and the lot of a general without his own regiment was not a happy one. If the general had not left the service and gone onto half-pay he might be a major or lieutenant-colonel of someone else's regiment, and should he decide to get out of this possibly embarrassing predicament by retiring, he would only receive the half-pay of his regimental rank, which was no great sum with which to maintain the position of a general officer if he did not possess a considerable private income.

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1. T.H.McGuffie; 'Significance of Military Rank in the British Army 1790-1820. Bulletin of the Inst. of Hist. Research 1957, pp.207-224.

In 1788 Major-General Fletcher Campbell was lieutenant-colonel of the 32nd regiment of foot, then stationed in Ireland, and he had commanded that corps, as major or lieutenant-colonel, for twenty-four years, having first reached field rank during the Seven Years War.(1) In 1780, in order to improve his chances of succeeding to the colonelcy of the 32nd, he was advised by the Government to oppose the election of George Dempster in the Perth District of Burghs, which he duly did, and in spite of considerable expenditure of time and money General Fletcher Campbell was defeated, but he blamed his defeat on the Scottish members of the Administration who took no notice of Lord North's endorsement of Campbell as the official candidate.(2) North, however, recommended Colonel Campbell, as he then was, to Lord Amherst for the succession to the command of the 32nd, but unfortunately Lord North's Government fell before anything could be done for him.(3) In 1788, having been passed over again, General Campbell petitioned the Secretary at War, but without success, there being at that time no less than eighteen other generals without regiments.(4) Campbell's political services did him no good, for Henry Dundas had opposed him in 1780 and none of the new Ministers 'consider themselves obliged, by what was done to support Lord North, who is now in opposition'.(4) Even the outbreak

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1. Petition of Major-General Fletcher Campbell to Sir George Yonge, Secretary at War, 26 September 1788; Saltoun 104.
2. John Robinson to Colonel Fletcher Campbell, 16 May 1781 (Letter endorsed 'Recommendation Ld North for the 32nd Regimt.') Saltoun 102
3. The North Ministry fell in March 1782.
4. General Henry Fletcher of Saltoun to General Fletcher Campbell, 4 October 1788; Saltoun 104.

of war brought nothing for General Campbell; by 1798 he had been advanced to the rank of lieutenant-general, but this rank in the British service, as he remarked to a correspondent:

'carries no consequence, either in respect of command or Emolument, not even the Pension of a yellow admiral; so that it commonly proceeds straight forward, and, once a Colonel, if the person lives and stays in the Army, he is certain of getting to a height, but a man, (they say) might as well be congratulated on becoming sixty year old, as Lieut-General.....'.(1)

Lieutenant-General Campbell had now served twenty-six years as lieutenant-colonel of the 32nd foot,(2) but in 1798 he was at last offered a regiment, but it was not the 32nd or any other old corps, but one of the new levies, which promised little profit and considerable expenses. War and the Irish Rebellion had made an increase in the strength of the army a matter of urgency, but the Government set out to secure this augmentation as cheaply as possible. General Campbell explained their methods:

'an extraordinary Augmentation being required, and the Law not obliging any subject to serve in the Standing Forces without his Consent, the Levy money rose from £5, where the Government Stops, to near £20. It was proposed then, (and not without considerable art) that the Rank & former commission of the Officer preferred, should supply this deficiency, and give more activity to the Recruiting duty. In this way, above 40 independent Companies were raised, and their men being taken to complete other Corps in the Field, or preparing for service, they were again formed into Regiments, and the Price of the Field Officers commissions, with those of their Companies, created another fund to supply new Recruits, obliged however, to enlist 600 men in three months, and limited to ten Guineas a man, while the Old Regiments recruited at fifteen. It appears from this Account, that the General Officer appointed Colonel to one of these Regiments, must have had a real Lieut-Colonelcy to dispose of, and that, acquiring no rank, he was to be engaged by some Prospect of emolument. The pay of a Lieut-Colonel may be taken....at £300 per annum which considered as an annuity, (in Health & at a certain age) is valued at about £6000, now, tho I have been told,

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1. General Fletcher Campbell to John Robinson, M.P. 25 November 1798: (Copy) Saltoun 106.
2. General Campbell to Lord Amherst, 27 Nov. 1798: Saltoun 106.

'that there are some Douceures in the first year, it might take above seven to replace that sum, with a corps of that number, and I am sure, that no good man, whatever Interest to the contrary, could wish the present War to be extended to one half of that Time. It is true there is half pay at the Peace, (about that of a Captain on full) but the Lieut-Colonelcy may also be sold at any period, to maintain a Family or assist a Friend....I have said £300, tho....we have, in effect, only received £250 for six years bygone, a moderate sum truly, for the support of a Lieut-General on the British Establishment, but, if it is considered, that this commission of Lieut-Colonel, was also purchased, & at the highest price, 26 years ago, if the King has not always Reason to be satisfied with the ability of his Officers, His Majesty is at least served on very reasonable Terms.....That such a Regiment may be a step to a young man of Interest, & give him a better claim, when a vacancy happens in an Old Corps, I will not dispute, but it is not the same with an Officer who has neither of these advantages, and rather might be considered as a hole, where he may be left.....there is a Proverb also in the Muirs whose Truth, however, I shall not vouch for, that the Person who leads you into a Bog is, sometimes, the first to leave you sticking there.....'.(1)

There is no such being as a typical freeholder, for the name covered a wide range of economic and professional conditions, but there can be no better example of the difficulties which faced any gentleman in this period. General Fletcher Campbell was not one of the more poverty stricken country gentlemen, for his estate was a good one and he had been in a position to purchase promotion until he reached the rank of lieutenant-colonel of the 32nd foot at a cost of £5,000.(2) But it was at that point that his difficulties began. He could have sold out and lived as a country gentleman on his estate, but General Campbell appears to have enjoyed military life and accordingly decided to remain in the service. General Fletcher Campbell's elder brother, General Henry Fletcher of Saltoun, had been successful in the quest for a regiment, and commanded the 35th

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1. General Campbell to John Robinson, MP, 25 November 1798 (Copy)
Saltoun 106.
2. Memorial of General Fletcher Campbell to the Commander-in-Chief,
21 November 1798; Saltoun 106 (Copy)

or Dorsetshire regiment of foot, and this may have encouraged General Campbell to hope for similar preferment and perhaps even the right to succeed his brother in the colonelcy of the 35th. Unfortunately for General Campbell, however, such exalted patronage as the colonelcy of a regiment was given only to the friends of Government and his political contacts were all with the Opposition. Campbell missed his opportunities; the attempt to oust Dempster in order to oblige Lord North was a sound move, for command of an old corps like the 32nd was a profitable appointment and well worth some expenditure, but 1780 was the wrong time to try it. The election of 1780 was held in an atmosphere of crisis and the dissolution was the direct result of dwindling majorities in Parliament. Clearly to join the falling Minister was a gamble, particularly when Henry Dundas and all those under his influence opposed Campbell in spite of Lord North's wishes. Thereafter Campbell did not personally fight in another election, but in Stirlingshire he was an active and well known supporter of Sir Thomas Dundas and the Elphinstones. None of this was likely to endear him to Henry Dundas, and it was only through Dundas or some other influential Minister that the General could hope to obtain a regiment which was worth having. Lord Keith did his best for this loyal friend,(1) and it was probably due to the Admiral's concern that the offer of one of the new regiments was made, but as General Campbell clearly perceived it was now too late for him to take that expensive opportunity and hope for better

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1. Lord Keith to General Fletcher Campbell, (no date 1797 or 1798)

'I gave your memorial to the Duke and If I can guess you are in a way to hear from HRH soon of what may be acceptable to you and of course to me. He was very flattering in his Expressions. I had mentioned the business before over a Bottle here one day'. Saltoun 106.

things at a later date. Army officers of the rank of Colonel and above who hoped to make a career in the army had to have Ministerial support, and this could not be expected unless they in turn were prepared to assist the Government with their votes and interest. General Campbell stands alone among the Stirlingshire freeholders of this rank, for the other Generals chose their friends with more care.

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Conclusion.

On the whole it cannot be said that the political history of Stirlingshire lends much support to the traditional picture of Scottish political life as sunk in an abyss of corruption. The economic needs of the Scottish gentry perhaps made them more dependent on patronage than their richer English counterparts, but it is remarkable how little actual bribery can be discovered. In the context of the period the use of the term 'bribery' must be restricted to the actual purchase of votes during an election campaign, as distinct from the duty of the leader of an interest to look after his friends when they were in need, and there are very few examples of the more reprehensible use of patronage. It may be argued that both briber and bribed had good reason to keep their activities secret, and that bribery may have been more common than the surviving evidence would lead one to believe. However, the amount of patronage available for distribution was always limited, and never more so than at the time of a general election, which appears to justify the conclusion that voters were only bribed in county elections when one or two votes would turn the scale and decide the contest. Moreover, there is every reason to believe that more extensive bribery would in any case have proved impracticable, for many freeholders would not have accepted such offers, and the laird who did sell his vote was sufficiently unusual to attract notice.

Stirlingshire had its share of the nominal voters who were the plague of the Scottish political system in the eighteenth century, but in this county they never succeeded in pushing the real barons

into the background. The Scottish electoral system accurately reflected the social realities at the beginning of the eighteenth century and it is hardly surprising to find that it no longer did so at the beginning of the nineteenth century, but nominal votes did **not** become a serious problem in Stirlingshire until the 1740's and 50's when the political system was already obsolete. Had the opportunity been taken to extend the franchise when heritable jurisdictions were abolished the problem might never have reached such serious proportions. While vassals were subject to their lords courts it would have been pointless to have given them votes, but after the courts had been abolished it is difficult to justify their continued exclusion from political life.

The interest with the greatest potential for the manufacture of fictitious votes was that of the Duke of Montrose, but when the first Duke tried to make use of his powers by granting nominal votes to several Graham gentlemen he was deserted by so many of the real freeholders that his candidate was rejected at the election of 1727. The fact that the Montrose family never attempted to make full use of their superiorities is very creditable to them, for it is possible that they could have taken control of the county out of the hands of the real proprietors. However, if they had attempted to do so they would again have been deserted by their friends among the real barons, and it would scarcely have been very agreeable to the first nobleman of the county if he had found himself sustained only by factors, lawyers and other dependants. Other peers were less scrupulous, however, and consequently other counties were less free.

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Both Sir James Campbell of Ardkinglas and Sir Thomas Dundas made use of nominal voters, and in their case there is no evidence of any serious opposition on the part of the real freeholders, but neither of these gentlemen possessed superiorities which could be compared in extent to those of the Duke of Montrose, and moreover, since they were politically opposed, they tended to cancel one another out, leaving the final decision in the hands of the real freeholders. The concern of the Stirlingshire freeholders to preserve their freedom is fully established by their prolonged efforts to rid the Roll of unqualified voters in the 1740's and 50's until their campaign was sabotaged by the Court of Session. Nevertheless, in spite of the Courts, it is safe to conclude that the problem of nominal voters was less serious in Stirlingshire than it was in several other counties where the real freeholders were left with little to say in politics. The independence of the Stirlingshire freeholders was also manifested in consistent hostility to the influence of the great man of the county, the Duke of Montrose, even when he had not offended them by making large numbers of votes. Henry Home Drummond's election in 1821 is the most striking example of their dislike of undue influence for on that occasion it split a political party, but the same hostility can be traced throughout the period whenever a Duke of Montrose took an active part in politics.

The political history of Stirlingshire appears to establish that ministerial support was not decisive. Certainly Court patronage was wasted on any candidate who lacked a substantial interest of his own; Lord Hly achieved nothing by supporting Sir Charles Eskine in 1741.

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Ministerial support could make a strong interest stronger, but it could do nothing for a weak one. It was the economic needs of the electors which brought so many constituencies into the Government camp, for the ministerial interest paralleled on a national scale the methods of the local interests. The manager assisted his friends to the best of his ability, and they in return felt an obligation to listen to his requests. The strength of men like Henry Dundas and the Earl of Ilay was that they held their places for so many years that they built up a considerable fund of goodwill. In the case of Stirlingshire, however, that was not enough to tip the balance, for the Opposition interest was also able to help its friends, for they dealt in the same currency as Henry Dundas, Indian and naval patronage.

Corruption was a much more serious problem in the burghs than in the counties, and it cannot be denied that in those constituencies the only rival to the influence of Government was the influence of money. The Stirling Burghs election of 1734, however, shows that even venal burgh oligarchies could rebel, and that public opinion could play a part in politics by forcing the councillors to abandon their paymasters. But the 1734 election was unusual, and when there were no such issues as those which had characterised that contest, and this was the position throughout most of the period, money was the key to success in the burghs. The towns were not Old Sarums, however, and the self-electing councils had to bear in mind the possible reactions of the inhabitants.

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The small size of the Scottish electorate is the feature chiefly remarked by commentators who contrast the Scottish system with that of England usually to the detriment of the former. Certainly in the case of Stirlingshire much of the criticism is misplaced, for although the franchise was in need of amendment within a few decades of the Union, the practise of politics was not so very different from that which prevailed in England for most of the eighteenth century. In the English counties the electorate was relatively large, but the ordinary freeholders rarely got an opportunity to make their wishes known. Political decisions and the compromises which avoided expensive contests were the business of the peers and greater gentry. In Stirlingshire, and the other Scottish counties which escaped the control of a great master of nominal voters, the freeholders included in their ranks all of the substantial proprietors, and they expected to be consulted on political questions. If the fictitious voters could be kept at bay the country gentlemen had fully as great a voice in county politics as their English counterparts. It was an aristocratic century, and if no defence of the system which prevailed in the Scottish burghs is possible, on the whole there is more to be said for the county franchise than is sometimes allowed, and it is not to be condemned for the whole period between the Union and the Reform Bill on account of the situation which had been allowed to develop during the second half of the eighteenth century.

The working of the political system in eighteenth century Scotland is still largely unknown. In recent years a good deal of useful work

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has appeared,(1) but the gap in historiography is still so great that it is impossible to make valid generalisations. Certainly the conclusions to be drawn from a study of Stirlingshire politics are not necessarily applicable to other regions of Scotland. In some ways this county was unique, for it not only had a comparatively large body of real freeholders but its greatest interest was never deployed to its full extent. Before a true picture of politics can emerge studies of the political system in operation in other regions, such as Fife or Perthshire, are needed. It is clear that only an amendment to the law could have prevented abuse of the political system, but it would still be useful to know in how many other counties fictitious voters were kept at bay, for the situation described in the 'Political State of Scotland in 1788' does not necessarily apply to the whole period.

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1. Sir James Fergusson, 'Making Interest in Scottish County Elections', S.H.R., vol. 26 (1947); W. Ferguson, 'Dingwall Burgh Politics and the Parliamentary Franchise in the Eighteenth Century', S.H.R. vol. 38 (1959); W. Ferguson, 'Electoral Law and Procedure in Eighteenth and Early Nineteenth Century Scotland'. (Unpublished Glasgow Ph.D. thesis, 1957); and the volumes produced by the History of Parliament Trust. P.W.J. Riley, 'The English Ministers and Scotland, 1707-1727' (London, 1964); John M. Simpson, 'Who Steered the Gravy Train, 1707-1766?' (Scotland in the Age of Improvement, edit. N.T. Phillipson and R. Mitchison, Edinburgh 1970)

Appendix 1.

Number of Freeholders Known to have been on the Stirlingshire Roll.

<u>Year</u>	<u>Number</u>	<u>Year</u>	<u>Number</u>	<u>Year</u>	<u>Number</u>
1708	29 +	1785	83	1812	100
1710	34 +	1786	82	1813	105
1715	34 +	1787	80	1814	107
1722	40 +	1788	78	1815	109
1727	45 +	1789	62	1816	112
1734	50 +	1790	61	1817	117
1741	58 +	1791	65	1818	118
1743	69	1792	70	1819	116
1747	59 +	1793	73	1820	117
1765	71	1794	78	1821	119
1766	77	1795	82	1822	118
1767	87	1796	82	1823	125
1768	85	1797	80	1824	130
1769	85	1798	82	1825	129
1770	85	1799	81	1826	132
1771	82	1800	80	1827	132
1772	82	1801	81	1828	129
1773	83	1802	84	1829	130
1774	79	1803	81	1830	132
1775	90	1804	84	1831	128
1776	92	1805	84		
1779	89	1806	86		
1780	91	1807	95		
1781	89	1808	91		
1782	86	1809	96		
1783	86	1810	93		
1784	85	1811	98		

Totals taken from the Freeholders Minutes. SC67/59. They are accurate only from 1765 for the earlier lists name the freeholders present at election meetings, not the total Roll.

Appendix 2.

Copy of Killearn's Backbond, 8 April 1727

Be it knowen Me John Graham of Killearn For as much as It has pleased his Grace James Duke of Montrose out of his speciall favour and good will to me, and to the end I may hold the Lands underwritt of the Crown Whereby I may have a Votte amongst other freeholders in the Shyre of Stirling and be capable of Electing and being elected a Commissioner for the said Shyre to the parliament and of haveing the other priviledges belonging to freeholders by Law, To grant and Disposition of the Superiority of all and haill the Lands of Killearn, Ibert and Drumbeg, with the milne of Killearn and pertinents lying within the parrochin of Killearn, Regality of Montrose and Shirriffdom of Stirling, As also of the Superiority of the Lands of Buquhan more lying within the Said parrochin of Killearn and Shirriffdom forsaid, In favours of me and the heirs male to be procreat of my body, Which faillieing, to the eldest daughter or heir female to be procreat of my body without Division, and faillieing of heirs to be procreat of my body To my nearest heirs male, Who also faillieing to my nearest heirs or assigneys whatsoever. And albeit the forsaid Disposition be simple and absolut without any qualitie or Condition, Yett I hereby declare that it was expressly aggried upon by me that I should grant to his Grace this present bond and obleidgement in manner underwritt.

Therefore witt ye me to be bound and obleidged lyk as I by the tenor hereof bind and obleidge me my heirs and successors whatsoever To make good and thankful payment to the said James Duke of Montrose

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and his heirs succeeding to him in his estate and fortune of Montrose or to his factors and Chamberlaines for his behoof yearly in all time coming of the Sum of Sixteen pounds Scots money which was the old few dietie payable by me and my predecessors out of the forsaid lands when the same were holden of the Duke, and that at two termes in the year Whitsunday and Martinmas by equall portions, with fourtie Shilling Scots of penaltie for ilk terms faillie.

As also I binde and obleidge me and my forsaid that when ever I or my heirs male succeeding in the forsaid lands shall happen to decease that then the nearest heir male succeeding to the forsaid lands shall.....make good and thankfull payment To the said James Duke of Montrose and his heirs and successors of the sum of two hundred pound Scots money Which was the old sum modified for the entrie of every heir by the former few rights, and this sum to be payed by every heir Male succeeding to the forsaid lands upon the Death of his predecessor in all time Coming, and that under the penaltie of Fourty pound Scotts money.....

And farder I bind and obleidge me and the daughter or heir female who by the destination abovementioned faillieing heirs male, shall have right to succeed to the lands and others above mentioned, Upon her succession and obtaining herselfe entred and Infeft in the lands and others forsaid to make due and Lawlie resignation of the same in the hands of the Sovereigne for new infeftment yrof to be given to the said James Duke of Montrose and the heirs succeeding to him in his fortune and estate of Montrose, To the end they may be stated and again vested in the Superiority yrof, And may as Superiors Grant

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a Charter of the property of the saids Lands of Killearn, Ibert and Drumbeg and Milne of Killearn and pertinents yrof In favours of the said heir female so succeeding and Disponing as said is and may remain Superior of the Lands of Buquhanmore which the proprietor thereof is to hold of the Duke.....

And farder I obleidge me and my heirs male succeeding to the Lands.....that we shall never Dispone the Superiority of the forsaid Lands and others abovewritt to any stranger whatsoever who would not otherways succeed thereto, And in case we shall think fitt to Dispone the property of the forsaid lands of Killearn, Ibert, Drumbeg and Milne of Killearn and pertinents to any stranger, The said Disposition shall bear the Disponee to hold the Lands of his Grace the Duke of Montrose and his Successors in few ferm.....

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(The lands of Killearn, Ibert, Drumbeg and Mill of Killearn belonged in property to John Graham of Killearn. Buquhanmore was the property of Walter Buchanan of Buquhgn and was added to make up Killearn's qualification.)
Montrose MSS. GD220/5/28.

Location of Manuscript Sources.

Scottish Record Office

GD22 Cunninghame Graham	GD67 Duntreath
GD24 Moray of Abercairney	GD124 Mar and Kellie
GD27 Dalquharan	GD156 Elphinstone
GD35 Ochtertyre	GD171 Forbes of Callendar
GD47 Ross Estate Miniments	GD220 Montrose
GD51 Melville Castle	SC67/59 Freeholders Records.

National Library of Scotland

Melville MSS	Airth MSS
Saltoun	Delvine
Yester	Erskine-Murray

Coxe Papers: British Museum

Zetland Papers: North Riding County Record Office, Northallerton.

Keith Papers: National Maritime Museum, Greenwich.

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